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COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON

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SUMMIT-WALLER COMMUNITY ASSOCIATION and  
NORTH CLOVER CREEK / COLLINS COMMUNITY COUNCIL,

Appellants,

v.

PIERCE COUNTY, APOGEE CAPITAL LLC AND  
HIGH VALLEY INVESTMENT, L.L.C.,

Respondents.

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BRIEF OF RESPONDENTS

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## I. INTRODUCTION

As part of its periodic update of its Comprehensive Plan, required under the Growth Management Act (“GMA”),<sup>1</sup> Pierce County reviewed and accepted several proposed amendments, including Area-wide Map Amendment M-2 (“Amendment M-2”). Respondents Apogee Capital LLC and High Valley Investment, L.L.C. (collectively, “Apogee”) initiated Amendment M-2.<sup>2</sup> The County evaluated Amendment M-2 and determined the parcels in question did not meet the County’s locational criteria for either the current land use designation, Employment Community (“EC”), or the Community Center (“CC”) designations proposed by Apogee. Ultimately, the County redesignated the parcels as High Density Residential (“HRD”).

Appellant Summit-Waller Community Association’s (“Summit-Waller’s”) primary argument is that Pierce County did not comply with its application review and legislative procedures in evaluating Amendment M-2. This is incorrect. The Growth Management Hearings Board (the “Board”) agreed with the County and properly upheld Amendment M-2. Many of Summit-Waller’s claims stem from its

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<sup>1</sup> RCW 36.70A.130.

<sup>2</sup> Apogee Capital LLC and High Valley Investment, L.L.C. were intervenors in the appeal before the Board.

misunderstanding or erroneous interpretation of the applicable Pierce County Comprehensive Plan amendment procedures and should fail for that reason.

Additionally, Summit-Waller raises numerous new issues it did not raise before the Board or that the Board deemed abandoned by Summit-Waller. Because Summit-Waller may not raise on appeal issues that were not raised before the administrative agency, the Court should decline to review them. Naturally, a key reason underlying this principle is that where such issues are not presented to the Board, the record is not adequately developed. Although this alone should suffice as a complete answer to Summit-Waller's new challenges, the County and Apogee will provide a brief substantive analysis on the new issues within the limited record that was developed before the Board.

The County and Apogee ask that the Court deny Summit-Waller's appeal and affirm the Board's decision upholding the County's lawful adoption of Amendment M-2.

## **II. COUNTER STATEMENT OF THE CASE**

### **A. History of Subject Property.**

This case involves eight parcels in Pierce County's Mid-County Community Plan ("MCCP") area, totaling around 34 acres. The parcels are adjacent to and just north of 121st Street East, which functions as

the Comprehensive Urban Growth Area (“UGA”) boundary, and are thus within the UGA.<sup>3</sup> The parcels are bordered to the east by railroad tracks, though there is no access to the tracks for transporting goods. They are surrounded by a large area of Residential Resource property to the west, with Community Employment and Community Center use designations to the east and north.<sup>4</sup> The area to the south is outside the UGA and thus characterized by less intensive uses. An aerial photo of the property is attached for reference.<sup>5</sup>

Several of the properties at issue were the subject of a vested application for multifamily development that expired during the recession.<sup>6</sup> Though the properties had been partially developed with infrastructure to support multifamily housing, the County changed the land use designation from Mixed Use District (“MUD”) to EC.<sup>7</sup> The EC land use designation did not allow apartments. The parcels then sat vacant for several years.

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<sup>3</sup> See Board’s Final Decision and Order, pertinent excerpts of which are attached hereto as Appendix A, at Administrative Record (“AR”) 2073; see PC #6-6, Staff Report dated 12/4/2014, attached hereto as Appendix B, at AR 1705.

<sup>4</sup> See Appendix A, Board’s Final Decision and Order, at AR 2073-74.

<sup>5</sup> AR 1672 (showing subject property highlighted in orange), attached hereto as Appendix C.

<sup>6</sup> PC #27-6, attached hereto as Appendix D, at AR 100.

<sup>7</sup> The site was originally redesignated as EC with the adoption of the M CCP under Pierce County Ordinance 2005-93, which became effective 3/1/2006.

**B. Bi-Annual Comprehensive Plan Update.**

The GMA mandates that Pierce County periodically review and, where necessary, revise its Comprehensive Plan every eight years pursuant to RCW.70A.130(1)(a). For Pierce County, the GMA deadline for this review was June 30, 2015.<sup>8</sup> Through a vigorous two-year process, the County completed the review and update of its Comprehensive Plan by adopting Ordinance 2015-40. Summit-Waller challenges the County's Ordinance 2015-40,<sup>9</sup> which is also referred to in the record below as the 2015 Comprehensive Plan Update ("2015 Plan").

In the summer of 2014, the County reviewed 27 proposed amendments as part of the County's bi-annual program for amendments.<sup>10</sup> Because this process coincided with the periodic update, and in an effort to work efficiently in light of limited resources and time constraints, the County revised its Procedures for amendments to the Comprehensive Plan under Chapter 19C.10 Pierce County Code ("PCC") so that all amendments and the update could be

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<sup>8</sup> Pierce County must take action to review its comprehensive plan and development regulations "on or before June 30, 2015, and every eight years thereafter." RCW 36.70A.130(5)(a).

<sup>9</sup> The County Council adopted Ordinance 2014-33s, the precursor to Ordinance 2015-40, on June 30, 2015. After County Executive veto and Council override, the Council enacted Ordinance 2015-40 on September 9, 2015. *See* PCC #216, Ex. I to Ordinance 2015-40 at Finding of Fact #165, attached hereto as Appendix J, at AR 1883.

<sup>10</sup> PC #216, Ex. I to Ordinance 2015-40, Finding of Fact No. 152, at AR 1415.

considered in the same package.<sup>11</sup> The revisions included a provision for periodic amendment applications<sup>12</sup> and changes to the evaluation criteria for initiated plan amendments and adjustments to the adoption time frame. Additionally, because of the enormity of the combined amendment review and GMA update, and County code restrictions,<sup>13</sup> the County chose to combine its review of plan amendments as a component of its eight-year mandated Comprehensive Plan review.<sup>14</sup> The County adopted Amendment M-2 as part of this review.

**C. Agency Review and Public Comment on Map Amendment M-2.**

Amendment M-2 was initiated by an application submitted July 30, 2014 by Scott Edwards, the managing member of Apogee.<sup>15</sup> The proposal requested the reclassification of eight parcels in M CCP, totaling around 34 acres, from EC to CC land use designation. The application was formally “initiated” by the County Council as

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<sup>11</sup> Pierce County Ordinance 2014-31s, at AR 1675-1676.

<sup>12</sup> /*d.* Effective July 1, 2014, the County adopted new section PCC 19C.10.050, which exempted the Comprehensive Plan amendments from the requirements for acceptance of proposed plan amendments under PCC 19.10.050(E) and PCC 19C.10.055, added new sections PCC 19C.10.065 (provides new GMA periodic review criteria for Council-initiated plan amendments) and adjusted time frame provisions under PCC 19C.10.070. *See* Ex. A to Ordinance 2014-31s, at AR 1678.

<sup>13</sup> The GMA generally prohibits Comprehensive Plan amendments more frequently than one every year. RCW 36.70A.130(2)(a).

<sup>14</sup> Pierce County Council Resolution R2014-94S, attached hereto as Appendix E, at AR 2, 4.

<sup>15</sup> PC #6-1, Application for Area-Wide Map Amendment, attached hereto as Appendix F, at AR 81-91.

Amendment M-2 on September 30, 2014, through Resolution R2014-94S.<sup>16</sup> Initiation simply meant Amendment M-2 would be considered.

The Mid-County Land Use Advisory Commission ("MCAC") considered Amendment M-2 in its November 4, 2014 meeting. Staff in the County's Planning and Land Services Department ("PALS") suggested that the properties did not meet the criteria for either the proposed CC or the existing EC designation, but proposed an alternative designation that would allow higher density residential development. Brynn Brady, who spoke on behalf of applicant Scott Edwards, explained that the applicant's vested application had expired, and the applicant would be satisfied with some designation that accommodated the multifamily development that had been planned.<sup>17</sup> Based on this testimony and that of PALS staff, MCAC voted to support PALS' recommendation and to work toward a redesignation that would allow multifamily development.<sup>18</sup>

On December 4, 2014, PALS presented an analysis of Amendment M-2 to the Pierce County Planning Commission. In its Staff Report, PALS analyzed the proposal's impacts using the factors in PCC

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<sup>16</sup> See Appendix E, at AR 4. The application was originally designated Map Amendment PA-21.

<sup>17</sup> Appendix D, PC #27-6, at AR 100.

<sup>18</sup> *Id.*

19C.19.065.A and concluded that the proposal was not consistent with the Comprehensive Plan policies for expanding a CC designation; however, PALS suggested that “a higher density residential designation may be more appropriate as a transition into the surrounding neighborhood.”<sup>19</sup> PALS also pledged to discuss an appropriate redesignation of this area with the MCAC as part of the County’s full 2015 Comprehensive Plan update.<sup>20</sup> The Planning Commission moved that PALS should prepare an alternative recommendation to accommodate high density residential development on the M-2 site.<sup>21</sup>

**D. Adoption of Modified Amendment M-2 Redesignating Area to HRD.**

On December 9, 2014, PALS issued a modification of its recommendation for Amendment M-2.<sup>22</sup> As an alternative to CC, PALS recommended that the Planning Commission add the High Density Residential District (“HRD”) land use designation and Moderate High Density Residential (“MHR”) zoning classification to the M CCP, and apply this designation and zoning to the eight M-2 parcels. The

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<sup>19</sup> Appendix B, PC #6-6, at AR 1701.

<sup>20</sup> *Id.*

<sup>21</sup> PC #30-23, minutes from 12/4/2014 Planning Commission meeting, attached hereto as Appendix G, at AR 1710.

<sup>22</sup> PC #30-8, Staff Report Errata Sheet #1 dated 12/9/2014, attached hereto as Appendix H, at AR 92-94.

difference between EC, CC, and HRD/MHR as applied to the M-2 properties is generally summarized as follows:<sup>23</sup>

	<u>EC</u> (Original Land Use Designation)	<u>CC</u> (Land Use Designation Proposed by Apogee)	<u>HRD/MHR</u> (Use Designation/Zone Combination proposed by PALS and approved in M-2)
Industrial Uses	<b>Allowed</b>	Few Allowed	Not Allowed
Commercial Uses	<b>Allowed</b>	<b>Allowed</b>	Not Allowed
Multi-Family Housing	Not Allowed	<b>Allowed</b>	<b>Allowed</b>

Thus, where the original EC land use designation foreclosed any residential development, the CC land use designation proposed by Apogee would have allowed a mix of commercial uses and multifamily housing, including apartments. HRD was more limiting than CC, allowing apartments without the additional commercial uses.

The Planning Commission discussed PALS' recommended modifications to Amendment M-2 and voted to recommend approval of Amendment M-2 as proposed by PALS on December 10, 2014. The amendment was subsequently adopted by the Pierce County Council as part of the County's 2015 Comprehensive Plan update cycle.<sup>24</sup> The

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<sup>23</sup> See PCC 18A.27.010 for M CCP Urban Zone Classification use tables, attached hereto as Appendix I for ease of reference.

<sup>24</sup> Appendix J, PCC #216, Finding of Fact #165, at AR 1898-99.

Council made several findings of fact in support of adopting

Amendment M-2:

[The redesignated] area does not meet policies for locating EC designations, because the site is (1) not large enough to accommodate rail spurs or heavy transportation infrastructure, (2) not connected with the business pattern of EC along 112th Street East, (3) encumbered by critical areas; and (4) surrounding incompatible uses and zoning which could limit EC use.<sup>25</sup>

Six smaller EC parcels, just north of 121<sup>st</sup> Street East and owned by others, were surrounded by the Apogee parcels proposed for a land use redesignation to HRD.<sup>26</sup> In its December 4, 2014 meeting, when Amendment M-2 was first discussed, the Planning Commission inquired whether these six EC parcels should be redesignated residential as well.<sup>27</sup> By a separate map amendment included in the County's 2015 Comprehensive Plan Update, designated Map Amendment 121<sup>st</sup> St E & 20<sup>th</sup> Ave E, these six parcels were also redesignated from EC/CE to HRD/MHR.<sup>28</sup>

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<sup>25</sup> Appendix J, PCC #216, Findings of Fact #106 and 165, at AR 1896-99.

<sup>26</sup> PC #37-69, Proposed Map Amendment 121<sup>st</sup> St E & 20<sup>th</sup> Ave E, attached hereto as Appendix K, at AR 1712.

<sup>27</sup> Appendix G, PC #30-23, at AR 1709-10.

<sup>28</sup> Appendix K, PC #37-69, at AR 1712. Several findings of act supported the map amendment, including: (1) the six parcels were not compatible with the EC designation; (2) if they remained as EC, they would be undesirable for industrial use due to their small size; and (3) if they remained EC, they would be incompatible with

Map Amendment 121<sup>st</sup> St E & 20<sup>th</sup> Ave E was presented to the Planning Commission on April 21, 2015, several months after the Planning Commission approved Amendment M-2.<sup>29</sup> Notably, this was the first public meeting in which Summit-Waller participated, through its representative Dan Haire.<sup>30</sup> Although Amendment M-2 was distinct from Map Amendment 121<sup>st</sup> St E & 20<sup>th</sup> Ave E, and was not under review, Mr. Haire nevertheless urged the Commission to revisit its December 2014 recommendation to adopt Amendment M-2.<sup>31</sup> PALS noted Mr. Haire's comments, emphasizing that Amendment M-2 had already been approved by the Commission and was not currently before it.<sup>32</sup> PALS noted that the MCAC supported both Amendment M-2 and the proposed redesignation of the additional six parcels.<sup>33</sup> Finally, PALS noted that "[a]long any urban/rural boundary there will be zoning that seems to be in contrast with the other side of the line."<sup>34</sup>

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the nearby higher density residential HRD designation. *See* Appendix J, Finding of Fact #106, at AR 1896-97.

<sup>29</sup> PC #39-9, Minutes from 4/21/15 Planning Commission meeting, at AR 1715.

<sup>30</sup> *Id.* at AR 1718.

<sup>31</sup> *Id.*

<sup>32</sup> PC #39-11, PALS responses to 4/21/15 comments, response #6, at AR 1722-23.

<sup>33</sup> The MCAC also considered the 121<sup>st</sup> St E and 20<sup>th</sup> Ave E map amendment at its March 31, 2015 meeting and voted to recommend its approval at that time. *See* PC #37-79, MCAC Agenda 3/31/15, at AR 1906.

<sup>34</sup> PC #39-11, PALS responses to 4/21/15 comments, response #6, at AR 1722-23.

The Planning Commission subsequently approved the map amendment for the six parcels at 121<sup>st</sup> St E & 20<sup>th</sup> Ave E on April 30, 2015, as part of its vote on a number of other components of the County's 2015 Comprehensive Plan update.<sup>35</sup> The six parcels at 121<sup>st</sup> St E and 20<sup>th</sup> Ave E and the eight parcels included in Amendment M-2 were redesignated HRD/MHR by the County Council under Ordinance 2015-40.<sup>36</sup>

### III. STANDARD OF REVIEW

- A. The County's adoption of M-2 is presumed valid, and Summit-Waller bears the burden of demonstrating invalidity.

RCW 36.70A.300(1)<sup>37</sup> directs the Board to issue a final order after determining whether a comprehensive plan is in compliance with the requirements of the Growth Management Act, Chapter 36.70A RCW. RCW 36.70A.300(5) provides:

Any party aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board.

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<sup>35</sup> PC #39-24, Minutes from 4/30/2015 Planning Commission meeting, at AR 1728-29.

<sup>36</sup> Appendix J, PCC #216, Findings of Fact #106 and 165, at AR 1896-99.

<sup>37</sup> Specifically, the Board "shall issue a final order that shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter. . . or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW."

Hence, an appeal from a final Board decision is governed by Chapter 34.05 RCW, the Administrative Procedure Act (“APA”).<sup>38</sup> Such an administrative appeal invokes appellate, not general or original superior court jurisdiction.<sup>39</sup> Under the APA, a party may not raise on appeal issues that were not raised before the administrative agency.<sup>40</sup>

Notably, the County’s action in adopting Amendment M-2 is presumed valid upon adoption. RCW 36.70A.320(1). The Supreme Court has held that “deference to county planning actions, that are consistent with the goals and requirements of the GMA, supersedes deference granted by the APA and courts to administrative bodies in general.”<sup>41</sup> There are limited bases on which the Court can invalidate the Board’s decision to uphold the County’s adoption of M-2, which are enumerated in RCW 34.04.570(3). The “burden of demonstrating the invalidity of agency action rests on the party asserting invalidity.”<sup>42</sup> Summit-Waller thus bears the burden of showing that the Board’s decision was invalid.

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<sup>38</sup> See *Skagit Surveyors & Engineers, L.L.C. v. Friends of Skagit County*, 135 Wn.2d 542, 555, 958 P.2d 962 (1998).

<sup>39</sup> *Diehl v. Western Washington GMHB*, 153 Wn.2d 207, 216, 103 P.3d 193 (2004).

<sup>40</sup> RCW 34.05.554(1).

<sup>41</sup> *Quadrant Corp. v. State Growth Mgmt. Hearings Bd.*, 154 Wn.2d 224, 238, 110 P.3d 1132, 1139 (2005).

<sup>42</sup> RCW 34.05.570(1)(a).

It should also be noted that the legislature explicitly intended the Board to “grant deference to counties and cities in how they plan for growth.”<sup>43</sup> The legislature has directed that the “ultimate burden and responsibility for planning, harmonizing the planning goals of [the GMA], and implementing a county’s or city’s future rests with that community.”<sup>44</sup> In acknowledging the legislative intent, the Supreme Court noted that “the GMA acts exclusively through local governments and is to be construed with the requisite flexibility to allow local governments to accommodate local needs.”<sup>45</sup> Thus while the Board’s interpretation of the GMA is entitled to substantial weight, the Board in turn must defer to the County’s development and implementation of its specific planning goals.

In conducting its review, the Court is limited to the certified record made before the Board.<sup>46</sup> Further, the Court “cannot pass upon issues not actually decided by the administrative agency.”<sup>47</sup>

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<sup>43</sup> RCW 36.70A.3201.

<sup>44</sup> *Id.*

<sup>45</sup> *Viking Properties, Inc. v. Holm*, 155 Wn.2d 112, 125–26, 118 P.3d 322, 329 (2005).

<sup>46</sup> RCW 34.05.558; *see also City of Union Gap v. Washington State Dep’t of Ecology*, 148 Wn. App. 519, 525, 195 P.3d 580 (2008) (“The pertinent record is the record before the board.”) (internal citations omitted).

<sup>47</sup> *Chaussee v. Snohomish Cty. Council*, 38 Wn. App. 630, 644, 689 P.2d 1084 (1984) (internal citations omitted).

Summit-Waller alleges three grounds for invalidation in this case: (1) the Board erroneously interpreted or applied the law; (2) substantial evidence does not support the Board's decision; and (3) the Board's decision is arbitrary and capricious.<sup>48</sup> The Court must apply the standards that were allegedly violated directly to the Board's record.<sup>49</sup>

**B. Appropriate Standards of Review under RCW 34.05.570(3).**

**1. Issues of Law.**

Errors of law alleged under RCW 34.05.570(3)(d) are reviewed *de novo*.<sup>50</sup> However, as the administrative body tasked with hearing all appeals under the GMA, the Board has a great deal of expertise in interpreting the GMA and its enacting regulations. The reviewing court

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<sup>48</sup> RCW 34.05.570(3)(d), (3)(e) and (3)(i), respectively. The relevant provisions are as follows: "The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that: ...

(d) The agency has erroneously interpreted or applied the law;

(e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter;.... or

(i) The order is arbitrary or capricious."

<sup>49</sup> *Ferry County v. Concerned Friends*, 155 Wn.2d 824, 833, 123 P.3d 102 (2005), citing *Thurston County v. Cooper Point Association*, 148 Wn.2d 1, 7, 57 P.3d 1156 (2002).

<sup>50</sup> *City of Arlington v. Central Puget Sound GMHB*, 164 Wn.2d 768, 779, 193 P.3d 1077 (2008) (internal citations omitted); *City of Redmond v. Central Puget Sound GMHB*, 136 Wn.2d 38, 46, 959 P.2d 1091 (1998).

must therefore give substantial weight to the Board's interpretation of the statute it administers.<sup>51</sup>

## **2. Issues of Fact (Substantial Evidence Standard).**

Errors alleged under RCW 34.05.570(3)(e) involving substantial evidence are mixed questions of law and fact. In those instances, a reviewing court must determine the law independently, then apply it to the facts as found by the Board.<sup>52</sup> Substantial evidence is "a sufficient quantity of evidence to persuade a fair-minded person of the truth or correctness of the order."<sup>53</sup> When there is conflicting evidence in the record, deference must be given to the County's decision about that evidence.<sup>54</sup>

Evidence must be viewed in the light most favorable to Apogee and the County as the parties who prevailed before the Board.<sup>55</sup>

## **3. Arbitrary and Capricious Standard.**

Arbitrary and capricious actions under RCW 34.05.570 (3) (i) include "willful and unreasoning action, taken without regard to or

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<sup>51</sup> *City of Arlington*, 164 Wn.2d at 779.

<sup>52</sup> *Id.* at 779-780.

<sup>53</sup> *Id.*

<sup>54</sup> *City of Arlington v. Central Puget Sound GMHB*, 138 Wn. App. 1, 15, 154 P.3d 936 (2007), affirmed by *City of Arlington v. Central Puget Sound GMHB*, 164 Wn.2d 768, 193 P.3d 1007 (2008) (holding that where there was evidence in the record supporting the County's determination that the land in question had no long-term agricultural value, the Board erred in dismissing this evidence and not deferring to the County's decision to redesignate the land for urban commercial use).

<sup>55</sup> *Alpha Kappa Lambda Fraternity v. Washington State*, 152 Wn. App. 401, 418, 216 P.3d 451 (2009) (internal citations omitted).

consideration of the facts and circumstances surrounding the action.”<sup>56</sup> Furthermore, “[w]here there is room for two opinions, an action taken after due consideration is not arbitrary and capricious even though a reviewing court may believe it to be erroneous.”<sup>57</sup>

The “substantial evidence” and the “arbitrary and capricious” standards are both highly deferential. The Supreme Court has held that it “will not set aside a discretionary decision absent a clear showing of abuse.”<sup>58</sup>

### C. Relief That Can Be Granted.

RCW 34.05.574(1) specifies the type of relief that the Court may grant, and re-affirms the amount of discretion it must give the Board’s decision:

(1) In a review under RCW 34.05.570, the court may (a) affirm the agency action or (b) order an agency to take action required by law, order an agency to exercise discretion required by law, set aside agency action, enjoin or stay the agency action, remand the matter for further proceedings, or enter a declaratory judgment order. The court shall set out in its findings and conclusions, as

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<sup>56</sup> *City of Arlington*, 164 Wn.2d at 780, citing *City of Redmond*, 136 Wn.2d at 46-47 (quoting *Kendall v. Douglas, Grant, Lincoln & Okanogan Counties Pub. Hosp. Dist. No. 6*, 118 Wn.2d 1, 14, 820 P.2d 497 (1991)).

<sup>57</sup> *Id.*

<sup>58</sup> *Arco v. Utilities and Transportation Commission*, 125 Wn.2d 805, 812, 888 P.2d 728 (1995) (citing *Jensen v. Department of Ecology*, 102 Wn.2d 109, 113, 685 P.2d 1068 (1984)) (emphasis added).

appropriate, each violation or error by the agency under the standards for review set out in this chapter on which the court bases its decision and order. In reviewing matters within agency discretion, the court shall limit its function to assuring that the agency has exercised its discretion in accordance with law, and shall not itself undertake to exercise the discretion that the legislature has placed in the agency. The court shall remand to the agency for modification of agency action, unless remand is impracticable or would cause unnecessary delay.<sup>59</sup>

#### IV. ARGUMENT

- A. The Board did not err in finding that the County's adoption of M-2 was consistent with the GMA, because substantial evidence shows that the County properly evaluated M-2 under PCC 19C.10.050 and PCC 19C.10.065(A)(1-8).

There are several flaws in Summit-Waller's argument that the County failed to comply with its own rules governing the amendment of the Comprehensive Plan.

1. The County reviewed Amendment M-2 in accordance with PCC 19C.10.065.

Pierce County employs land use designations to indicate the broader land use policy for a particular area. The County uses zoning classifications within each land use designation to implement zoning requirements like use types and design standards. Summit-Waller

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<sup>59</sup> RCW 34.05.574(1) (emphasis added).

alleges that the County erroneously evaluated a land use redesignation from EC to CC, and then improperly substituted a land use redesignation from EC to HRD. In making this argument, Summit-Waller mischaracterizes the requirements for review under PCC 19C.10.065(A) and seeks to impose obligations that are not found in the code or the GMA. Summit-Waller also fails to acknowledge that both CC and HRD designations allow moderate and high density residential use, meaning that an analysis of either designation must consider the impacts of apartment-style residential development.

PCC 19C.10.065(A) provides as follows:

A. During a required GMA periodic update, the Planning and Land Services Department shall evaluate Council-initiated amendments based upon the following:

1. Is there a community or countywide need for the proposed amendment? If so, what is that need?
2. Is the infrastructure available to support the requested amendment, such as sewer, water, roads, schools, fire support?
3. Would the requested amendment provide public benefits? If so, what sorts of public benefits?
4. Are there physical constraints on the property?
5. Are there environmental constraints, such as noise, access,

traffic, hazard areas on or adjacent to the proposed amendment?

6. What types of land use or activities are located on the property?

7. What types of land use or activities are located on neighboring properties?

8. Is the proposed amendment consistent with all applicable state and local planning policies?

Notably, there is no requirement under PCC 19C.10.065 that PALS provide a detailed, written analysis of each factor. Summit-Waller seems to argue that PALS' analysis was inadequate because there is no formal written analysis of each factor as it applies to a proposed land use redesignation from EC to HRD. In fact, the County did evaluate the original M-2 application using the eight factors laid out in PCC 19C.10.065. This analysis was summarized in PALS' Staff Report dated December 4, 2014.<sup>60</sup>

After applying the criteria, PALS concluded that the proposal did not meet the location criteria for the proposed land use designation, CC, because it was not a good location for concentrated commercial uses.<sup>61</sup> For similar reasons, PALS concluded that the site was not appropriate for economic development under the EC land use

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<sup>60</sup> Appendix B, PC #6-6, at AR 1701-02.

<sup>61</sup> Appendix D, PC #27-6, at AR 100.

designation that then applied to the property. With input and support from the public, the applicant, the MCAC and the Planning Commission, PALS then proposed an alternative use designation of HRD coupled with implementing MHR zoning classification that complied with the County's Comprehensive Plan and the GMA and was an appropriate fit for the subject parcels.<sup>62</sup> This alternative land use designation allowed moderate to high density residential development, which is also allowed in the CC land use designation, but foreclosed the more intense commercial uses that PALS deemed inappropriate for the area.<sup>63</sup> While Summit-Waller makes it sound as though HRD and CC are binary land use designation options with no overlap, this is simply untrue. PALS necessarily reviewed multifamily housing as a possible use in evaluating the initial proposal of redesignation to CC, which allows that use.

The County also provided additional analysis and explanation for its approval of Amendment M-2 in Finding of Fact #165 of Exhibit I to Ordinance 2015-40:

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<sup>62</sup> Appendix G, PC #30-23, at AR 1709; Appendix H, PC #30-8, at AR 92.

<sup>63</sup> See Section II.D, *supra*; see also PCC 18A.10.080(B)(2)(b) (CC classification includes "moderate to high density residential developments"); PCC 18A.10.080(C)(2)(d) (HRD classification includes "multi-family and high density single-family housing").

165. Amendment M-2 (Scott Edwards) re-designates approximately 34 acres from EC to HRD within the [MCCP] area. This amendment:

- Re-designates an area that was inappropriately designated as EC. This area does not meet policies for locating EC designations; the site is: (1) not large enough to accommodate rail spurs or heavy transportation infrastructure; (2) not connected with the business pattern of EC along 112th Street East; (3) encumbered by critical areas; and (4) surrounding incompatible uses and zoning which could limit EC use;
- While current policies do not allow for the reduction of EC without compensatory expansion (no-net-loss), this area does not meet the criteria for EC, thus it is appropriate to be evaluated for re-designation;
- Adds a new allowed land use designation within the [MCCP];
- Includes new policies in the [MCCP] that recognize the HRD land use designation and MHR zone classification.<sup>64</sup>

These findings clearly explain the County's position that the properties did not qualify as EC. The County relied on several factors listed in PCC 19C.10.065 in reaching its conclusion that HRD was a more appropriate land use designation.<sup>65</sup>

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<sup>64</sup> Appendix J, PCC #216, Finding of Fact #165, at AR 1898-99.

<sup>65</sup> Summit-Waller raises a number of specific arguments alleging noncompliance with specific elements of PCC 19C.10.065(A) that Summit-Waller did not raise before the Board. In particular, Summit-Waller alleges that the County failed to evaluate the proposal under PCC 19C.10.065(A)(5), (7) and (8). Because these particular challenges were not raised in Summit-Waller's original appeal, Apogee and the County did not address them before the Board and the record is not fully developed. They are also improperly raised on appeal in violation of RCW 34.05.554(1). In any case, the argument regarding compliance with PCC 19C.10.065 as a whole remains unchanged. Moreover, the infrastructure analysis contemplated by PCC 19C.10.065(A)(2) and (A)(5) was already addressed when the property was

The analysis that the County performed under PCC 19C.10.065 worked exactly as it was intended: it led the County to conclude that commercial uses were not an appropriate use for the site, but that one use allowed in CC—multifamily residential development—was a good fit. The outcome of months of analysis and input from PALS staff, the public, the MCAC, the LUAC and finally the County Council was that Amendment M-2 was changed to a residential-focused HRD land use designation, rather than the broader CC designation.

**2. Summit-Waller incorrectly applies site-specific rezone criteria to this land use re-designation.**

Summit-Waller claims that the County conducted an improper analysis under PCC 19C.10.065(A)(8) because the County did not account for the Urban Residential Policies under the MCCP.<sup>66</sup> Summit-Waller's claim is misplaced, as these policies do not apply to an application for a change in land use designation under PCC 19C.10.065. The policies cited by Summit-Waller only apply to an application for a rezone under Chapter 18A.95 PCC.<sup>67</sup> The former

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redesignated as EC. The proposed redesignation to CC—and ultimately to HRD—represents comparable if not less intense uses than would have been allowed under EC.

<sup>66</sup> Summit-Waller's Brief at 26.

<sup>67</sup> A proposed rezone under Chapter 18A.95 PCC must be "consistent with the purpose and intent of the Comprehensive Plan, respective community(ies) plan, PDD approval criteria contained in PCC 18A.75.050, and other applicable regulations." PCC 18A.95.050.C.

application requires a legislative action, whereas the latter application requires a quasi-judicial determination.

The County sets forth the zoning classification allowed within the individual land use designation for the Mid-County Community Plan as follows:

**Specific Zone Classifications.** The land use designations identified through the Comprehensive Plan or Community Plan as identified below are implemented through specific zones...

6. Mid-County Community Plan. See the Use Tables in PCC 18A.27.010.
  - a. Employment Center: EC
  - b. Community Center: CC
  - c. Neighborhood Center: NC
  - d. Moderate Density Single-Family: SF and RR
  - e. Park and Recreation: PR
  - f. Mixed Use District: MUD. . .<sup>68</sup>

The listed land use designations are followed by the permitted land use zoning categories in PCC 18A.27.010. In some cases, the name of the specific zone classification is the same as the implementing zoning. For example, the Community Center land use designation is implemented through the CC zone classification. Likewise, the Employment Center land use designation is implemented through the EC zone classification.

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<sup>68</sup> See PCC 18A.10.020(G)(6).

An application to change the land use designation from Employment Center to Community Center requires an amendment to the comprehensive plan under PCC 19C.10.065. Apogee sought a change from the Employment Center land use designation because land uses like multifamily development that are allowed in the CC zone are not allowed in the EC zoning classification.<sup>69</sup>

In contrast, rezone applications are appropriate where the applicant seeks to change zoning within the same land use designation. For example, a change from Single Family (SF) to Residential Resource (RR) or vice versa is a rezone that does not require a change in land use designation, as both zones are allowed in the Moderate Density Single-Family land use designation. The M CCP policies referenced by Summit-Waller only apply to rezones and are inapplicable to Amendment M-2.

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<sup>69</sup> It must be noted that although Summit-Waller emphasizes the rural characteristics of its property, Summit-Waller gives no consideration for the fact that it is situated in the County's "Rural Separator" zone. This zone serves as a buffer between the rural areas and more urban areas of the County. The type and intensity of development along the boundary between the UGA and the Rural Separator will necessarily vary, as noted by PALS staff in its comments of 4/21/15. AR 1722-23. The adjacent land use designations were clearly marked on the proposed Amendment M-2, leaving no question that the area in question abutted the Rural Separator zone—as well as several areas of higher intensity use. AR 80.

3. The County's adoption of Amendment M-2 is consistent with PCC 19C.10.050, the GMA and the County's Comprehensive Plan.

The Board correctly concluded that Amendment M-2 was not subject to the "no net loss" and companion application requirements of PCC 19C.10.050.E or PCC 19C.10.055. The County's 2015 Comprehensive Plan update included the following goals for EC-designated areas:

LU-56.3 Ensure no net loss of land designated for industrial uses.

LU-56.3.1 Redesignate parcels from the EC designation to another designation only when an equivalent area of suitable land is added to the EC designation in the same Comprehensive Plan amendment cycle, or through a community plan adopted within the prior two years. In the event a parcel is determined to be unlikely developable for industrial uses due to adjacent incompatible uses, the amount of critical areas on the parcel, or if the parcel is determined to be of insufficient size or proper location for industrial use, then the legislative body may consider redesignating the parcel.<sup>70</sup>

Since PALS determined the M-2 area was unsuitable for industrial uses, the Council could redesignate the parcels without contravening the "no net loss" objective expressed in LU-56.3.

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<sup>70</sup> Appendix J, PC #216, at AR 1890 (emphasis added).

Under Ordinance 2014-31s, adopted April 30, 2014 and effective July 1, 2014, the County Council added the following provision to PCC 19C.10.050:

F. Applications for Comprehensive Plan amendments considered pursuant to the required GMA periodic update cycle as required in RCW 36.70A.130 (5)(a) shall not be subject to the application requirements of PCC 19C.10.050.E. or 19C.10.055 but shall include an analysis and recommendation pursuant to PCC 19C.10.065.<sup>71</sup>

Amendment M-2 was considered as part of the County's required periodic Comprehensive Plan update cycle. Under PCC 19C.10.050.F, it was not subject to the additional requirements of PCC 19C.10.050.E or PCC 19C.10.055, including PCC 19C.10.055.C's requirement of submitting a "companion application" to ensure no net loss of EC-designated land.<sup>72</sup> Finally, as discussed above, the County met the requirement of including an analysis and recommendation under PCC 19C.10.065.

Substantial evidence in the record also shows that Amendment M-2 does not interfere with the fulfillment of the planning goals identified in RCW 36.70A.020; to the contrary, it furthers them.

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<sup>71</sup> PCC 19C.10.050.F (emphasis added).

<sup>72</sup> PCC 19C.050.F.

Summit-Waller emphasizes that economic development is “encourage[d]” under RCW 36.70A.020(5). However, while the GMA encourages economic development, the legislature did not mandate that the County carry out this directive in a specific manner that would render Amendment M-2 invalid. The GMA gives counties broad discretion to develop comprehensive plans and development regulations that are suited to each county’s local circumstances.<sup>73</sup> The County’s Comprehensive Plan includes an Economic Development Element that is GMA-compliant and that encourages economic development consistent with GMA goals and RCW 36.70A.020(5).

The GMA does not impose a “no net loss” requirement. This is a County policy that may be modified by County action, which the County did by adopting policy LU 56-3.1 in its 2015 Comprehensive Plan Update. Simply put, the County has discretion to have or not to have a “no net loss” policy. Because this is not a requirement under the GMA, any modifications to the policy do not affect GMA compliance.

Moreover, the GMA plainly states that the goals identified under RCW 36.70A.020 are “not listed in order of priority,” and are merely intended to guide the County’s development of its comprehensive plan

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<sup>73</sup> *King County v. Central Puget Sound GMHB*, 142 Wn.2d 543, 561, 14 P.3d 133 (2000).

and development regulations.<sup>74</sup> Under RCW 36.70A.020(4), the County is also tasked with encouraging “the availability of affordable housing to all economic segments of the population of this state, promot[ing] a variety of residential densities and housing types....”<sup>75</sup>

The administrative record makes it clear that the parcels redesignated under Amendment M-2 were inappropriately designated EC in the first place, for a variety of reasons. Namely, the area was not large enough to accommodate necessary transportation infrastructure, unconnected with other businesses along 112<sup>th</sup> Street East, restricted in its use by critical areas,<sup>76</sup> and surrounded by incompatible uses and zoning that could limit its development for industrial purposes.<sup>77</sup> Indeed, the Pierce County Economic Development Department supported PALS’ recommendation to redesignate the EC parcels to HRD.<sup>78</sup> By reclassifying properties that were not attractive for commercial or industrial use to moderate density residential use, Amendment M-2 carries out the competing goal of promoting a variety

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<sup>74</sup> RCW 36.70A.020.

<sup>75</sup> RCW 36.70A.020 (4).

<sup>76</sup> See AR 1674, illustrating the wetland areas on the subject property.

<sup>77</sup> Appendix J, PCC #216, Finding of Fact #165, at AR 1898-99.

<sup>78</sup> Appendix G, PC #30-23, at AR 1709.

of residential densities and housing types as directed under RCW 36.70A.020(4).<sup>79</sup>

- B. Summit-Waller's argument regarding insufficiency of public notice under RCW 36.70A.020 (11) and RCW 36.70A.140 is improperly raised for the first time on appeal and must be denied.

Summit-Waller's argument regarding public notice and participation under RCW 36.70A.020 (11) and RCW 36.70A.140 is improper. Neither of these provisions were the subject of appeal before the Board, and thus the administrative record on this topic is incomplete. Summit-Waller should be barred from raising new issues before the Court.

Even if Summit-Waller's arguments were permissible, they are inconsistent with the record. The GMA requires the County to provide notice of actions under the GMA that is "reasonably calculated to provide notice to property owners and other affected and interested individuals..." and it lists publication of notice in a newspaper.<sup>80</sup> The

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<sup>79</sup> In Section VI(A)(5) of its brief, Summit-Waller alleges that M-2 is inconsistent with several additional provisions of the GMA (e.g., RCW 36.70A.011, RCW 36.70A.020 (1) and (12), related to urban growth and public facilities and services; RCW 36.70A.070(3) and (4), related to capital facilities and utilities; RCW 36.70A.070(6), related to transportation; and RCW 36.70A.070(2) and RCW 36.70A.020(4), related to housing). See Summit-Waller's Brief at 26-30. However, Summit-Waller provides no argument to support these allegations. Moreover, none of these were among the issues raised before the Board. Because Summit-Waller did not raise these arguments before the Board, it is estopped from making them here. RCW 34.05.554(1); see also discussion of infrastructure analysis, *supra*, at 21 n. 65.

<sup>80</sup> RCW 36.70A.035. To the extent Summit-Waller may be claiming lack of individual notice, such notice is not required under the GMA. *Chevron U.S.A. Inc. v. Central Puget Sound GMHB*, 123 Wn. App 161, 169-70, 93 P.3d 880 (2004).

County sent notice of Amendment M-2 to surrounding property owners in October, 2014.<sup>81</sup> The County then published notice in local newspapers for both the November 4, 2014 MCAC meeting and December 4, 2014 Planning Commission meeting at which M-2 was discussed. Amendment M-2 was also published on the County's website before adoption. Despite the thorough public notice, comment and review process, Summit-Waller inexplicably failed to participate in the process until after Amendment M-2 was approved by the Commission.

To the extent Summit-Waller contends that notice of M-2 was insufficient because it indicated the redesignation would be from EC to CC rather than from EC to HRD, the distinction is without merit. Discussion of a redesignation to CC necessarily included the same analysis of moderate to high density residential development as a redesignation to HRD. As it was, the notification sent and published by the County complied with GMA requirements and served its purpose of putting nearby property owners on notice of the redesignation procedures.

For the first time on appeal, Summit-Waller seems to contend that the issue of public notice was raised on its behalf by James L.

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<sup>81</sup> Ex. #PC 6-3 in underlying record.

Halmo, a citizen representative for a group of citizen petitioners in the consolidated appeal before Board.<sup>82</sup> But Mr. Halmo's petition to the Board involved a different provision of Ordinance 2015-40, completely unrelated to Amendment M-2. Specifically, Mr. Halmo challenged the County's reformatting and consolidation of the Comprehensive Plan, which he claimed denied the public "meaningful public participation."<sup>83</sup> The Board disagreed, holding that "Petitioners have not satisfied their burden to adduce facts demonstrating that Pierce County's Comprehensive Plan Amendments were adopted without being guided by the planning goal to encourage the involvement of citizens."<sup>84</sup>

Mr. Halmo also did not represent Summit-Waller before the Board. Even if he had, Mr. Halmo did not contest the adequacy of public notice related to Amendment M-2. Summit-Waller's arguments to that effect are blatantly false.

- C.     **The Board did not err in denying Summit-Waller's challenge that the County's adoption of Ordinance 2015-40 was untimely under RCW 36.70A.130 (5)(A).**

As a threshold matter, the Board correctly noted that Summit-Waller failed to allege a violation of RCW 36.70A.130 (5)(A) in its

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<sup>82</sup> Summit-Waller's Brief at 39-40.

<sup>83</sup> AR 0110, AR 2086.

<sup>84</sup> AR 2090.

Issues for the appeal below. This matter was not properly argued before the Board and should be moot on that basis alone.

Though not clearly articulated, Summit-Waller apparently seeks a remand to the Board to enforce the County's obligations to update its Comprehensive Plan under RCW 36.70A.130 (5)(A). Because the County conducted its periodic review, the Board can provide no relief. Remand would be impracticable and cause unnecessary delay.

The proper remedy for challenging the County's adoption of Ordinance 2015-40 as untimely would have been to bring a "failure to act"<sup>85</sup> challenge before the County's adoption of the amended Comprehensive Plan. Instead of challenging the County's delayed action, Summit-Waller chose to wait and file an appeal Ordinance 2015-40 after its adoption on September 9, 2015. As the Comprehensive Plan Update has been lawfully adopted, the Court can no longer provide effective relief for the delay.<sup>86</sup> Moreover, Summit-Waller has not demonstrated any harm that resulted from the brief two-month delay in the County Council's final passage of 2015-40. Indeed, it is not clear what harm Summit-Waller is claiming it suffered.

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<sup>85</sup> A party may bring a "failure to act" challenge where the County fails to conduct its GMA mandated periodic review. See *Save our Scenic Area v. Skamania County*, 183 Wn.2d 455, 466, 470, 352 P.3d 177 (2015).

<sup>86</sup> See *Harbor Lands LP v. City of Blaine*, 146 Wn. App. 589, 593, 191 P.2d 1282 (2008).

Summit-Waller cites no authority that Ordinance 2015-40 is invalid because of the two-month delay. Hence, Amendment M-2 is not invalid because of the delay.

Additionally, by its own terms, Ordinance 2015-40 was not effective until February 1, 2016 and later delayed by subsequent ordinance to June 1, 2016.<sup>87</sup> Given that Summit-Waller is challenging the County's adoption of Amendment M-2, it seems disingenuous for them to argue they were harmed by the delay of its adoption. The Board properly held that this challenge was moot.

**D. Summit-Waller has not shown that the County's adoption of Amendment M-2 caused them substantial prejudice.**

Summit-Waller raises a number of highly procedural arguments in attempt to obscure the underlying fact that Amendment M-2 was properly adopted only after extensive review and several opportunities for public input. Several of the issues identified by Summit-Waller were not argued before the Board and thus are not properly raised here.

Missing from Summit-Waller's arguments is any factual or legal support for its contention that it was "substantially prejudiced" by the County's adoption of Amendment M-2. Apogee, as the owners of the M-2 parcels, had a right to have their properties evaluated by PALS and redesignated to a more appropriate use. Apogee followed the correct

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<sup>87</sup> Pierce County Ordinance 2015-86.

procedures to apply for redesignation and accepted the County's recommendation that HRD was the best fit given the constraints of the property. Conversely, Summit-Waller had every opportunity to be heard during the process. They do not contest that they received proper notice that the County was considering an application for redesignation from EC to CC, which could involve even higher density development than HRD, and yet they chose not to get involved early in the process. There is no basis for the Court to overturn the Board's thorough and well-reasoned decision.

**E. Invalidating Amendment M-2 would result in inconsistent, piecemeal zoning between properties in the area, since six adjacent parcels would remain redesignated as HRD.**

It should be noted that Summit-Waller only appealed the redesignation of the eight parcels subject to Amendment M-2. Six other adjacent parcels along 121<sup>st</sup> Street East were also redesignated from EC to HRD under the County's 2015 Comprehensive Plan update.<sup>88</sup> If Summit-Waller's appeal is successful in invalidating Amendment M-2, the six parcels bordering 121<sup>st</sup> Street East would become isolated

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<sup>88</sup> Appendix J, PCC #216, Finding of Fact #106, at AR 1896-97; *see also supra* at 9-11.

pockets of HRD/MHR zoning.<sup>89</sup> Such a result would be inconsistent with the County's holistic zoning approach across this area.

## V. CONCLUSION

The County's adoption of Amendment M-2 is entitled to a presumption of validity and great deference by both the Board and this Court. Summit-Waller's arguments are largely procedural. The County followed the procedural requirements imposed under the GMA, its Comprehensive Plan, and its development regulations. The County provided adequate opportunity for public comment during the decision-making process and made findings and analysis to support its decision to redesignate the site as HRD. Summit-Waller fails to show that the Board's decision to uphold Amendment M-2 was not supported by substantial evidence or was clearly erroneous in light of the entire record. Moreover, Summit-Waller is barred from raising new issues before the Court, including inadequate public participation, because it did not raise them before the Board. Nonetheless, these new issues are meritless and unsupported by the record.

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<sup>89</sup> See Appendix K (AR 1712), a map that shows the properties subject to Amendment M-2 shaded in yellow. The six parcels immediately north of 121st Street East, shaded in gray, were redesignated as HRD/MHR under a separate map amendment in the 2015 Comprehensive Plan update, and will remain so regardless of the outcome of this appeal. See also Appendix C and aerial photo at AR 1674.

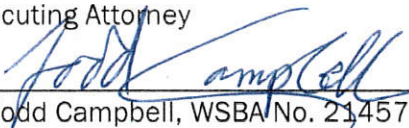
Summit-Waller has not met its burden of proof to this Court, just as Summit-Waller failed to carry it before the Board. On appeal, the Court must give substantial weight to the Board's interpretation of the law and view evidence in a light favorable to Apogee and Pierce County. The Board correctly applied the applicable law, the Board's Final Order was supported by substantial evidence and the Board's decision was not arbitrary or capricious. The County and Apogee respectfully request that the Court deny Summit-Waller's appeal and uphold the Board's decision that the County's adoption of Amendment M-2 complies with the GMA.

Dated this <sup>1st</sup> 22nd day of December, 2017.

Respectfully submitted,

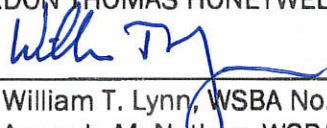
MARK LINDQUIST  
Prosecuting Attorney

By

  
Todd Campbell, WSBA No. 21457  
Deputy Prosecuting Attorney  
Attorneys for Pierce County

GORDON THOMAS HONEYWELL LLP

By

  
William T. Lynn, WSBA No. 07887  
Amanda M. Nathan, WSBA No. 46469  
Attorneys for Apogee Capital LLC and  
High Valley Investment, L.L.C.

2017 DEC 21 PM 3:16

DECLARATION OF SERVICE

STATE OF WASHINGTON

I, Lisa Blakeney, declare under the penalty of perjury of the laws of the State of Washington, that the following facts are true and correct:

I am a legal assistant in the offices of Gordon Thomas Honeywell LLP, attorneys for the Intervenor Apogee Capital, LLC and High Valley Investment, L.L.C. on the 21<sup>st</sup> day of December, 2017, I caused a copy of the following documents to be served upon all parties herein, as indicated below:

Brief of Respondents

Party/Attorney	Method of Service
Daniel Haire 11012 Canyon Road East, #8-179 Puyallup, WA 98373 <a href="mailto:Hairedan@comcast.net">Hairedan@comcast.net</a> Counsel for Summit-Waller Community Association and North Clover Creek Community Council	<input type="checkbox"/> Via Legal Messenger <input checked="" type="checkbox"/> Via U.S. Mail <input type="checkbox"/> Via E-filing Notification <input checked="" type="checkbox"/> Via Email
Todd Campbell Deputy Prosecuting Attorney Pierce County Prosecutor's Office - Civil Division 955 Tacoma Avenue South, Suite 301 Tacoma, WA 98402 <a href="mailto:tcampbe@co.pierce.wa.us">tcampbe@co.pierce.wa.us</a> Counsel for Pierce County	<input type="checkbox"/> Via Legal Messenger <input checked="" type="checkbox"/> Via U.S. Mail <input type="checkbox"/> Via E-filing Notification <input checked="" type="checkbox"/> Via Email

Dated at Tacoma, Washington this 21<sup>st</sup> day of December, 2017.

  
Lisa Blakeney, Legal Assistant  
Gordon Thomas Honeywell LLP

# **APPENDIX A**

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD  
CENTRAL PUGET SOUND REGION  
STATE OF WASHINGTON

SUMMIT-WALLER COMMUNITY  
ASSOCIATION, ET AL.,

Petitioners,

v.

PIERCE COUNTY,

Respondent,

And

BETHEL SCHOOL DISTRICT, ET AL.

Intervenors.

Case No. 15-3-0010c

**FINAL DECISION AND ORDER**

and

Case No. 12-3-0002c

**ORDER FINDING CONTINUING  
NONCOMPLIANCE  
RE: AMENDMENT M3**

**SYNOPSIS**

*Petitioners challenged various provisions of Pierce County's Ordinance No. 2015-40, amending its comprehensive plan and development regulations. The Board dismissed the majority of the issues raised by petitioners and remanded Ordinance 2015-40 for corrections to protect rural character and revise LAMIRD boundaries. The challenged ordinance also relates to the Board's remand of Ordinance No. 2011-60s2, Amendment M-3, GMHB No. 12-3-0002c. The Board determined the provisions for siting urban schools in rural areas in Ordinance 2015-40 do not comply with RCW 36.70A.100, 110, and 210. In Case No. 12-3-0002c, the Board entered an order of continuing noncompliance.*

FINAL DECISION AND COMPLIANCE ORDER  
Case Nos. 15-3-0010c and 12-3-0002c  
May 9, 2016  
Page 1 of 83

Growth Management Hearings Board  
1111 Israel Road SW, Suite 301  
P.O. Box 40953  
Olympia, WA 98504-0953  
Phone: 360-664-9170  
Fax: 360-586-2253

## INTRODUCTION

In early 2014, the County began a process to reformat and consolidate its eleven community plans to clarify "the relationship between the Comprehensive Plan and the individual community plans by: consolidating all of the policies that apply countywide, retaining the policies associated with community plan areas that are specific and unique to that particular geography, retaining the background and community character narrative, and retaining existing and desired conditions."<sup>1</sup> The County's position was that it did not make substantive changes to the policies of the community plans.<sup>2</sup> In reviewing community plans, unique policies that a community wanted to keep were identified but relocated to the 2015 Pierce County Comprehensive Plan document.<sup>3</sup> More general policies were moved to the county-wide policy sections of the Comprehensive Plan (Comp Plan).<sup>4</sup>

Also in 2014, the County began its bi-annual program for amendments with the review of 27 proposed changes to the Comp Plan.<sup>5</sup> The processes for reformatting the community plans and reviewing proposed comprehensive plan amendments were combined.<sup>6</sup> Additionally, Pierce County was in the process of completing the periodic review of its Comp Plan and development regulations required by RCW 36.70A.130(5)(a), with a statutory deadline of July 2015.<sup>7</sup> These changes were included in the same ordinance.

<sup>1</sup> Exhibit I to Ordinance No. 2015-40, Finding of Fact Nos. 59 and 142 (February 1, 2016) at 6, 23.

<sup>2</sup> *Id.*; Respondent's Prehearing Brief (March 8, 2015) at 1.

<sup>3</sup> Exhibit I to Ordinance No. 2015-40, Finding of Fact Nos. 145, 146 (February 1, 2016) at 23.

<sup>4</sup> *Id.*

<sup>5</sup> Respondent's Prehearing Brief at 2.

<sup>6</sup> Respondent's Prehearing Brief at 2.

<sup>7</sup> RCW 36.70A.130(5)(a) reads:

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:  
(a) On or before June 30, 2015, and every eight years thereafter, for King, Pierce, and Snohomish counties and the cities within those counties;

1 After the Executive vetoed a similar, earlier measure citing concerns about net loss of  
2 industrial land, the Council passed this modified ordinance updating and amending the  
3 County Comprehensive Plan. The Executive's second veto was overridden by the Council  
4 and Petitioners brought this challenge. The Council passed Ordinance 2015-86, delaying  
5 the effective date of Ordinance 2015-40 to July 1, 2016.

6 Petitioners Summit-Waller, et al. challenge Map Amendment M-2, which rezoned  
7 eight parcels of land from Employment Center (EC) to High Density Residential (HDR).  
8 Petitioners Sanders, et al. challenge Map Amendment M-2, provisions related to subarea  
9 plans, preserving rural lands and character, and siting schools outside the Urban Growth  
10 Area (UGA). The cases were consolidated and, where issues coincided, the parties  
11 consolidated their issues. School siting provisions at issue were also meant to address  
12 compliance issues remaining from GMHB No. 12-3-0002c and thus that compliance case  
13 was coordinated with the consolidated case.  
14  
15

#### 16 JURISDICTION

17 After the Council's September 1, 2015, vote to override the Executive's veto, the  
18 challenged ordinance ultimately became effective February 1, 2016, and the Board  
19 received Petitions for Review filed on November 5, 2015, and November 9, 2015. The  
20 Board finds the Petitions for Review were timely filed within 60 days as required by RCW  
21 36.70A.290(2). The Board finds Petitioners have standing to appear before the Board,  
22 pursuant to RCW 36.70A.280(2)(b).<sup>8</sup>  
23

24 The Board finds it has jurisdiction over the subject matter of the petition pursuant to  
25 RCW 36.70A.280(1).  
26  
27  
28

29  
30 <sup>8</sup> RCW 36.70A.280(2): "A petition may be filed only by: (a) The state, or a county or city that plans under this  
31 chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on  
which a review is being requested . . . ."

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**MOTION TO DISMISS**

In its prehearing brief, the County moved to dismiss Issues 7C, 9A, and 11A. The Board deferred consideration of the motion until after the hearing on the merits. For the reasons set forth in the discussion below, the Board dismissed these issues.

**BURDEN OF PROOF AND STANDARD OF REVIEW**

Pursuant to RCW 36.70A.320(1), comprehensive plans and development regulations, and amendments to them, are presumed valid upon adoption. This presumption creates a high threshold for challengers as the burden is on the petitioners to demonstrate that any action taken by the City is not in compliance with the GMA.

The Board is charged with adjudicating GMA compliance and, when necessary, invalidating noncompliant plans and development regulations.<sup>9</sup> The scope of the Board's review is limited to determining whether a County has achieved compliance with the GMA only with respect to those issues presented in a timely petition for review.<sup>10</sup> The GMA directs that the Board, after full consideration of the petition, shall determine whether there is compliance with the requirements of the GMA. The Board shall find compliance unless it determines that the County's action is clearly erroneous in view of the entire record before the Board and in light of the goals and requirements of the GMA. RCW 36.70A.320(3) . In order to find the County's action clearly erroneous, the Board must be "left with the firm and definite conviction that a mistake has been made." *Dep't of Ecology v. PUD 1, 121 Wn.2d 179, 201 (1993).*

**ANALYSIS AND DISCUSSION**

Amendment M-2  
County Action

<sup>9</sup> RCW 36.70A.280, RCW 36.70A.302.  
<sup>10</sup> RCW 36.70A.290(1).

1 Map Amendment M-2 to Ordinance 2015-40, rezoning eight parcels of land (totaling  
2 34 acres) from Employment Center (EC) to Moderate High Density Residential (MHR), was  
3 initiated by an application submitted July 30, 2014, by Scott Edwards, the managing  
4 member of Intervenor Apogee Capital, LLC and High Valley Investment, LLC (Apogee et  
5 al.).<sup>11</sup> Several of these properties were the subject of a vested application for multifamily  
6 development, but the vested application had expired and the County, meanwhile, had  
7 rezoned the properties from Mixed Use District (MUD)<sup>12</sup> to EC.<sup>13</sup> Mr. Edwards' initial  
8 application requested that the properties be rezoned from EC to Community Center (CC).<sup>14</sup>  
9 The CC designation is designed to meet shopping, service, and multi-family housing needs  
10 and areas are to be large enough to serve more than one neighborhood.<sup>15</sup>

12 The properties in question are immediately north of 121st E, within the UGA, and  
13 bordered to the east by railroad tracks to which there is no access for transporting goods.  
14 Diagonally adjacent to the properties, but separated by the railroad tracks, was an area of  
15 CC designation and another of EC designation.<sup>16</sup> To the west was a large area of Moderate  
16 Density Single Family (MSF)/Residential Resource.<sup>17</sup> To the north along 112th St. E. exists  
17 light industrial development.<sup>18</sup> With the adoption of the challenged action, the land to the  
18  
19  
20

21  
22 <sup>11</sup> County's Prehearing Brief at 11; Ex. PC #6-1, Edwards Application for Area-wide Map Amendment (July 30, 2014).

23 <sup>12</sup> PCC 18A.10.080(C) Urban Zone Classifications reads in pertinent part:

24 The Mixed Use District (MUD) zone classification includes areas that are concentrations of  
25 commercial, office, and multi-family developments located along major arterials, state highways,  
26 and major transit routes and between Major Urban, Activity, or Community Centers. Commercial  
27 activity in Mixed Use Districts caters to a customer base beyond the surrounding neighborhoods  
28 or community due to its placement on a roadway used by residents of more than one community.  
29 Auto-oriented commercial and land-intensive commercial with a low number of employees per  
30 acre is the primary use within Mixed Use Districts.

31 <sup>13</sup> County's Brief at 11; Ordinance 2005-93.

32 <sup>14</sup> Ex. PC #6-1, Edwards Application for Area-wide Map Amendment (July 30, 2014).

<sup>15</sup> Ex. PC #6-6 Staff Report to Planning Commission (December 4, 2014) at 3.

<sup>16</sup> Ex. PC #6-1, Edwards Application for Area-wide Map Amendment (July 30, 2014) map attachment.

<sup>17</sup> *Id.*

<sup>18</sup> Intervenor's Illustrative Exhibit Map Document.

1 north and east of the properties is rezoned Community Employment, the diagonally adjacent  
2 (NE) area remains CC, and the area to the west is rezoned Residential Resource.<sup>19</sup>

3 Applications for zoning amendments received by the July 31, 2014, deadline<sup>20</sup> were  
4 then reviewed by the Planning and Lands Services Department (PALS) against the  
5 acceptance criteria in PCC 19C.10.050F and forwarded to the Council as "Council Initiated  
6 Amendments."<sup>21</sup> Thus "Council-Initiated Amendment" is more a term of art indicating that  
7 the application for the amendment was received by the established deadline and  
8 subsequently evaluated and recommended by PALS than a representation that the Council  
9 spontaneously generated the rezone idea. The Council subsequently screened the PALS-  
10 accepted plan amendments through the public hearing process before the Community  
11 Development Committee and full Council and selected the amendments it wanted to  
12 "initiate" for the 2015 cycle.<sup>22</sup> The initiated amendments are next sent back to PALS for  
13 environmental review and evaluation. PALS then forwards the associated reports to the  
14 Planning Commission and affected Land Use Advisory Commissions (LUAC) for review and  
15 recommendation.<sup>23</sup>

16  
17  
18 Mr. Edwards application was originally designated PA-21 and became Map  
19 Amendment 2 (M-2) when it was "initiated" by the Council in Resolution R2014-94s.<sup>24</sup> M-2  
20 was considered by the Mid-County Land Use Advisory Commission (MCAC) at its  
21 November 4, 2014, meeting, where PALS staff suggested that the properties did not fit the  
22 proposed CC or existing EC designation and proposed an alternate designation.<sup>25</sup> The  
23 MCAC voted to move the application forward with the expectation that staff would work  
24 toward an appropriate designation that would accommodate multi-family development on  
25  
26

27 <sup>19</sup> Exhibit H to Ordinance 2015-40 at 209.

28 <sup>20</sup> Ex. PC #6-1, PALs Application for Area-wide Map Amendment at 1.

29 <sup>21</sup> Ex. PCC #230, Resolution No. R2014-94s (September 30, 2014) at 2.

30 <sup>22</sup> *Id.*, at 3.

31 <sup>23</sup> *Id.*

32 <sup>24</sup> *Id.*, Exhibit A to Resolution R2014-94s at 1.

<sup>25</sup> Ex. PC-27-6, Minutes of MCAC (Nov. 4, 2014) at 6.

1 the site.<sup>26</sup> A month later, PALS presented an analysis of M-2 to the Planning Commission  
2 using the factors in PCC 19C.19.065.A (discussed further below) and noted that the area  
3 may have been inappropriately designated EC as it did not meet the criteria, nor was the  
4 proposal consistent with the Comp Plan policies for expanding CC designation, and  
5 suggested a "higher density residential designation."<sup>27</sup> Additionally, the Commission noted  
6 that six additional properties were surrounded by the properties proposed for rezone.<sup>28</sup>  
7 (Ultimately, those parcels were also rezoned MHR following a separate public process for  
8 Map Amendment 121st St. E. and 20th Ave. E.<sup>29</sup>) The Commission voted to have staff  
9 prepare an alternative recommendation to accommodate high density residential  
10 development.<sup>30</sup> Staff prepared a modified M-2 that included text amendments adding, *inter*  
11 *alia*, Moderate High Density Residential designations to the Mid-County Community Plan  
12 and recommended its adoption.<sup>31</sup> M-2 (along with Map Amendment 121st St. E. and 20th  
13 Ave. E. rezoning the additional 6 properties to MHR) was adopted as part of the 2015 Comp  
14 Plan Update.<sup>32</sup>

15  
16  
17 The County deferred to Intervenor Apogee; et al. and incorporated the Intervenor's  
18 brief by reference and in its response brief. At the Hearing on the Merits, the Respondent's  
19 argument was presented by William Lynn, counsel for Apogee; et al.

20 For the reasons set forth below, the Board upholds the County's M-2 redesignation  
21 and rezoning.  
22

23 Issue One: Did Pierce County's adoption of map amendment M-2 fail to comply with RCW  
24 36.70A.010 and RCW 35.70A.020(5) because the amendment is inconsistent with the  
25

26 <sup>26</sup> *Id.*

27 <sup>27</sup> Ex. PC #30-23, Staff Report to Planning Commission (December 4, 2014) at 3-4.

28 <sup>28</sup> Ex. PC #37-69, Minutes of Planning Commission (December 4, 2014) at 3-4.

29 <sup>29</sup> Respondent's Brief at 12-13.

30 <sup>30</sup> Ex. PC #37-69, Minutes of Planning Commission (December 4, 2014) at 3-4.

31 <sup>31</sup> Ex. PC #30-8, Modified Staff Recommendation of M-2.

32 <sup>32</sup> Ex. PCC #216, Ordinance No. 2015-40.

1 Comprehensive Plan Goal LU-56 and Policies LU-56.3, LU 56.3.1 and Pierce County Code  
2 (PCC) 19A.30.030(H) ("Ensure no net loss of land designated for industrial uses").<sup>33</sup>

3 Petitioners' Objection

4 Petitioners complain that the County's redesignation of the parcels was inconsistent  
5 with PCC 19A.30.030(H) and Comprehensive Plan Goals LU-56, LU-56.3, and LU-56.3.1  
6 because it failed to require a companion application to ensure "no net loss" of total acreage  
7 in the EC designated lands<sup>34</sup> in violation of GMA requirements that the comprehensive plan  
8 amendments be consistent with and implement the comprehensive plan. RCW  
9 36.70A.130(d).<sup>35</sup>

11 Applicable Law

12 **PCC 19A.30.030(H) Employment Centers and LU-EC Objective 9**<sup>36</sup> call for the  
13 provision of large planned Employment Center development sites, properly zoned and  
14 serviced with infrastructure. To ensure "no net loss of land designated as Employment  
15 Center," the Code calls for reclassification of parcels from the Employment Center  
16

17  
18 <sup>33</sup> Issue One per Summit Waller, et.al. Second Amended Petition for Review (December 15, 2015) and Issue  
19 VIII per Sanders, et al., Motion to Amend PFR (December 16, 2015) - condensed from Sanders First  
20 Amended PFR (December 08, 2015) at 5, which read:

21 Did Pierce County violate its Comprehensive Plan Policy LU-56.3 (current policy 19A.30.030H)  
22 which calls for 'no net loss' of lands for industrial uses (Employment Centers) by changing eight  
23 (8) land parcels totaling approximately 34 acres within the Mid-County Community Plan area from  
24 Employment Center (EC) to High Density Residential District (HRD), under Area-Wide Map  
25 Amendment M-2 (Scott Edwards), without including an equivalent area of suitable land to be  
26 added to the EC land use designation?

27 <sup>34</sup> Summit-Waller Brief p. 6.

28 <sup>35</sup> RCW 36.70A.130 Comprehensive plan review procedures and schedules, reads:

29 (1)(d) Any amendment of or revision to a comprehensive land use plan shall conform to this  
30 chapter. Any amendment of or revision to development regulations shall be consistent with and  
31 implement the comprehensive plan.

32 <sup>36</sup> PCC 19A.30.030 Employment Centers, reads in pertinent part:

LU-EC Objective 9. Provide large planned Employment Center development sites, properly zoned  
and serviced with infrastructure.

\*\*\*

H. Ensure no net loss of land designated as Employment Center. Reclassify parcels from the  
Employment Center designation to another designation only when an equivalent area of suitable  
land is added to the Employment Center designation in the same Comprehensive Plan  
Amendment cycle or through a community plan adopted within the prior two years.

1 designation to another designation only when an equivalent area of suitable land is added to  
2 the Employment Center designation in the same Comprehensive Plan Amendment cycle (or  
3 through a community plan adopted within the prior two years).

4 The Pierce County Comprehensive Plan Land Use Element provides<sup>37</sup>:

5 **GOAL LU-56:** Provide a diverse range of goods and services to ensure that as the  
6 economy changes, employment opportunities are balanced with a wide range of  
7 other land uses.

8 **LU-56.3** reads, "Ensure no net loss of land designated for industrial uses."  
9

10 **LU-56.3.1**<sup>38</sup> provides that the Council may consider redesignating a parcel when it is  
11 "unlikely developable for industrial uses due to adjacent incompatible uses, the  
12 amount of critical areas on the parcel, or if the parcel is determined to be of  
13 insufficient size or proper location for industrial use."

14 Board Discussion

15 Respondents argue that the no net loss requirement does not apply because the  
16 County adopted LU-56.3.1 as an exception to the "no net loss" standard to facilitate  
17 redesignation of parcels deemed unsuitable for industrial use due to insufficient size or  
18 location.<sup>39</sup> Although the language of LU-56.3.1 could more explicitly define an exception, the  
19 Board can construe no other meaning as it would otherwise merely restate LU-56.3.  
20

21 **The Board finds** that LU-56.3.1 allows the Council to redesignate EC land without  
22 replacing it with "developable acreage" in those instances where the land has been  
23 determined to be unsuitable for industrial use in the first place.  
24

25 <sup>37</sup> Ex. PC #216, Ordinance No. 2015-40, Pierce County Comprehensive Plan Land Use Element at 2-36, 2-37.

26 <sup>38</sup> LU-56.3.1 reads:

27 Redesignate parcels from the EC designation to another designation only when an equivalent  
28 area of suitable land is added to the EC designation in the same Comprehensive Plan  
29 amendment cycle, or through a community plan adopted within the prior two years. In the event a  
30 parcel is determined to be unlikely developable for industrial uses due to adjacent incompatible  
31 uses, the amount of critical areas on the parcel, or if the parcel is determined to be of insufficient  
32 size or proper location for industrial use, then the legislative body may consider redesignating the  
33 parcel.

34 <sup>39</sup> Respondent's Brief at 15.

1 In any event, the Board notes that **PCC 19C.10.055(C)** seeks to prevent net loss of  
2 "developable acreage," not "total acreage" as Petitioners allege. "Developable lands" are  
3 vacant, undeveloped, and underdeveloped lands which exclude lands that have  
4 environmental constraints." PCC 18.25.030. Here, a portion of the land the County  
5 redesignated included a critical area of indeterminate size,<sup>40</sup> but the "developable land" is  
6 something less than the 34-acre total. Throughout the LUAC and Planning Commission  
7 process, it was repeatedly noted that the EC designation may have been mistaken<sup>41</sup> and  
8 that the area's small size, the lack of access to the railway, and the lack of access to the  
9 112th St. E. business corridor, were barriers in developing the properties under EC. The  
10 Council's legislative findings contained in Ordinance 2015-40 concur.<sup>42</sup>

11 **The Board concludes** petitioners have failed to show an inconsistency between the  
12 County's development regulations and its Comp Plan in violation of RCW 36.70A.130(d).

13 Petitioners also allege, but do not brief, a violation of RCW 36.70A.010 (legislative  
14 findings that unplanned growth is a threat to sustainable economic development)<sup>43</sup> and  
15 violation of RCW 36.70A.020(5)<sup>44</sup> (GMA Goal 5 encouraging economic development).  
16  
17  
18

19 <sup>40</sup> Ex. PC #6-1, Edwards Rezone Application, attached map.

20 <sup>41</sup> See e.g., Ex. PC #30-8 at 1; Ex. PC #27-6 at 6.

21 <sup>42</sup> Ex. PCC #216, Exhibit I to Ordinance No. 2015-40 at 16, 25-26.

22 <sup>43</sup> RCW 36.70A.010 Legislative findings, reads:

23 The legislature finds that uncoordinated and unplanned growth, together with a lack of common  
24 goals expressing the public's interest in the conservation and the wise use of our lands, pose a  
25 threat to the environment, sustainable economic development, and the health, safety, and high  
26 quality of life enjoyed by residents of this state. It is in the public interest that citizens,  
27 communities, local governments, and the private sector cooperate and coordinate with one  
28 another in comprehensive land use planning. Further, the legislature finds that it is in the public  
29 interest that economic development programs be shared with communities experiencing  
30 insufficient economic growth.

31 <sup>44</sup> RCW 36.70A.020(5) Planning goals, reads in pertinent part:

32 The following goals are not listed in order of priority and shall be used exclusively for the purpose  
of guiding the development of comprehensive plans and development regulations:

(5) Economic development. Encourage economic development throughout the state that is  
consistent with adopted comprehensive plans, promote economic opportunity for all citizens of  
this state, especially for unemployed and for disadvantaged persons, promote the retention and  
expansion of existing businesses and recruitment of new businesses, recognize regional  
differences impacting economic development opportunities, and encourage growth in areas

1 These unbriefed allegations are deemed abandoned as to Issue One. WAC 242-03-  
2 590(1).<sup>45</sup>

3 Issue One is **dismissed**.

4  
5 Issue Two: Did Pierce County's adoption of map amendment M-2 changing multiple parcels  
6 within the Mid-County Community Plan area from Employment Center (EC) to High Density  
7 Residential (HDR) fail to comply with RCW 36.70A.130(2), RCW 36.70A.130(1)(d), and the  
8 County's procedures for amending comprehensive plans because the County failed to  
9 evaluate the amendment pursuant to the criteria identified in PCC 19C.10.065A, PCC  
10 19C.010.050E(3) and PCC 19C.10.055(A)(C)?<sup>46</sup>

11 Issue Three: Did Pierce County's adoption of map amendment M-2 fail to comply with RCW  
12 36.70A.130(2), RCW 36.70A.130(1)(d), and the County's procedures for amending  
13 comprehensive plans because the amendment is inconsistent with PCC 18A.27.010 and the  
14 criteria identified in PCC 19C.10.065A?<sup>47</sup>

15 (Petitioners' Issues Two and Three overlap and are considered together.)

16 Petitioners' Objection

17 Petitioners acknowledge that PCC 19C.10.050(F)<sup>48</sup> and 19C.10.065(A) <sup>49</sup>allow for  
18 amendments to EC lands without the companion application if the amendment is "initiated"

19  
20 experiencing insufficient economic growth, all within the capacities of the state's natural  
21 resources, public services, and public facilities.

22 <sup>45</sup> WAC 242-03-590(1) reads:

23 A petitioner, or a moving party when a motion has been filed, shall submit a brief addressing each  
24 legal issue it expects the board to determine. Failure by such a party to brief an issue shall  
25 constitute abandonment of the unbriefed issue. Briefs shall enumerate and set forth the legal  
26 issue(s) as specified in the prehearing order.

27 <sup>46</sup> Issue 2 per Summit-Waller, et al. Second Amended Petition for Review, December 15, 2015.

28 <sup>47</sup> Issue 3 per Summit-Waller, et al. Second Amended Petition for Review, December 15, 2015.

29 <sup>48</sup> PC 19C.10.050(F) **Initiation of Comprehensive Plan Amendments** reads in pertinent part:

30 F. Applications for Comprehensive Plan amendments considered pursuant to the required GMA  
31 periodic update cycle as required in RCW 36.70A.130 (5)(a) shall not be subject to the application  
32 requirements of PCC 19C.10.050 E. or 19C.10.055 but shall include an analysis and  
recommendation pursuant to PCC 19C.10.065.

<sup>49</sup> PCC 19C.10.065 **GMA Periodic Update-Review and Evaluation of Council Initiated Amendments**  
provides:

A. During a required GMA periodic update, the Planning and Land Services Department shall  
evaluate Council-initiated amendments based upon the following:

1 by the Council during a required GMA periodic update of the Comp Plan, but argue that the  
2 County failed to do so. At the Hearing on the Merits, there was some confusion about the  
3 meaning of "initiated" by the Council. As explained *supra*, "initiated by the Council is  
4 something of a term of art and, taken as such, describes the Council's process for sending  
5 timely amendment applications to the Land Use Advisory Committees and Planning  
6 Commission for evaluation. Petitioners advance three theories for finding this process  
7 inconsistent with the County Code: (1) the evaluation was insufficient because it began as  
8 an evaluation of a redesignation from EC to CC and not the EC to MHR that was ultimately  
9 recommended;<sup>50</sup> (2) PALS staff answered "Undetermined" regarding whether a community  
10 or countywide need for the amendment existed; and (3) the evaluation did not happen  
11 before the June 30, 2015, statutory deadline for the County's adoption of its periodic update  
12 under RCW 36.70A.130(5)(a).<sup>51</sup>

15 Applicable Law

16 **RCW 36.70A.130(5)(a) Comprehensive plan review procedures and schedules,**  
17 reads:

18 (5) ... [C]ounties and cities shall take action to review and, if needed, revise  
19 their comprehensive plans and development regulations to ensure the plan and  
20 regulations comply with the requirements of this chapter as follows:

- 21 1. Is there a community or countywide need for the proposed amendment? If so, what is
- 22 that need?
- 23 2. Is the infrastructure available to support the requested amendment, such as sewer,
- 24 water, roads, schools, fire support?
- 25 3. Would the requested amendment provide public benefits? If so, what sorts of public
- 26 benefits?
- 27 4. Are there physical constraints on the property?
- 28 5. Are there environmental constraints, such as noise, access, traffic, hazard areas on or
- 29 adjacent to the proposed amendment?
- 30 6. What types of land use or activities are located on the property?
- 31 7. What types of land use or activities are located on neighboring properties?
- 32 8. Is the proposed amendment consistent with all applicable state and local planning

<sup>50</sup> Summit-Waller Brief at 7-8.

<sup>51</sup> *Id.*, at 9-10.

1 (a) On or before June 30, 2015, and every eight years thereafter, for King,  
2 Pierce, and Snohomish counties and the cities within those counties.  
3 (Emphasis added).

4 PCC 19C.10.055(C)<sup>52</sup> requires that applications for Map Amendments requesting  
5 redesignation of existing Employment Center parcels to another designation shall include a  
6 companion application proposing redesignation of other specific urban parcels, currently  
7 designated or zoned for non-residential use, that are currently undeveloped or not being  
8 used for uses permitted in an Employment Center zone in order to ensure no net loss of  
9 "developable acreage" on the parcels.

10  
11 PCC 19C.10.050(E)(3) states that applications for map amendments to Employment  
12 Centers will not be accepted without the companion application required in PCC  
13 19C.10.055(C).<sup>53</sup>

14  
15 Board Discussion

16 As explained *supra*, Mr. Edwards's amendment application requested that the  
17 properties be rezoned from EC to CC.<sup>54</sup> When the Council resolved to initiate proposed  
18 amendments, it did so by resolution directing:  
19  
20

21 <sup>52</sup> PCC 19C.10.055(C) reads:

22 C. Map Amendments -- Employment Center. Applications for Map Amendments requesting  
23 redesignation of existing Employment Center parcels to another designation shall include a  
24 companion application proposing to redesignate other parcels to Employment Center. The  
25 companion application shall propose redesignation of other specific urban parcels that are  
26 currently designated or zoned for non-residential use and meet the following criteria: (1) the  
27 parcel is currently undeveloped; or (2) is not currently being used for uses permitted in an  
28 Employment Center zone. The intent is to ensure no net loss of total acreage in Employment  
29 Center designated lands in the County. No net loss shall be measured using the "net developable  
30 acreage" on the parcels, as defined in PCC 18.25.030. Each application shall indicate how the  
31 proposal meets the locational criteria for the requested designation.

32 <sup>53</sup> PCC 19C.10.050(E)(3) reads in pertinent part:

3. Map Amendment applications for Employment Centers, Planned Communities or Agricultural  
Resource Lands technical corrections, that do not include the required components listed in  
19C.10.055 C., D. or E., as applicable, will not be accepted;

<sup>54</sup> Ex. PC #6-1, Edwards Application for Area-wide Map Amendment (July 30, 2014).

1 Section 4. The County Council requests that the Planning and Land Services  
2 Department forward the relevant parts of the reports referenced in section 3. to  
3 the affected Land Use Advisory Commissions for review and recommendation.  
4 The County Council requests that each Land Use Advisory Commission submit  
5 its recommendations to the Planning Commission for attachment to the  
6 Planning Commission's report being forwarded to the Council by February 15,  
7 2015.

8 Petitioners apparently envision this evaluation/recommendation process as one  
9 where a proposal must be accepted as is or rejected, in which case the applicant must  
10 presumably wait until the next cycle to try again. The Board disagrees. The language of the  
11 resolution directs the PALS staff and the Commissions to review the proposal and make  
12 recommendations. Nowhere is there a prohibition against modification of a proposal in light  
13 of the review and recommendation. In this case, following the requirements of PCC  
14 19C.10.065A for Council initiated amendments, PALS staff evaluated the M-2 proposal  
15 "based on" the eight criteria identified in the code.<sup>55</sup> The fact that the existence of a  
16 community need was considered "undetermined" does not, in the Board's view, negate the  
17 evaluation – particularly where there is no showing that the County requires more than a  
18 recommendation based on the review. In other words, it does not appear that a proposal  
19 must necessarily "satisfy" each and every criterion.  
20

21 Here, the staff evaluation determined that the proposal was not consistent with the  
22 CC designation, *but that the existing EC designation was not consistent with Comp Plan*  
23 *policies either.*<sup>56</sup> According to the minutes of the Planning Commission, PALS staff  
24 suggested that High Density Residential (HRD) implemented with a Moderate High Density  
25 Residential (MHR) classification would be more appropriate.<sup>57</sup> As Petitioners point out, HDR  
26 was not a designation then allowed in the Mid County Community Plan.<sup>58</sup> Thus, PALS staff  
27  
28

29 <sup>55</sup> Ex. PC #6-6 Staff Report to Pierce County Planning Commission (December 4, 2014).

30 <sup>56</sup> *Id.*

31 <sup>57</sup> Ex. PC#37-69, Minutes of Special Meeting of Planning Commission (December 4, 2014) at 3.

32 <sup>58</sup> Summit-Waller Brief at 8.

1 recommended further discussion to address the area as part of the 2015 Comp Plan  
2 update.<sup>59</sup>

3 Notwithstanding Petitioners' complaint that a new checklist evaluation for  
4 redesignation from EC to MHR was not completed, the Pierce County Council made several  
5 Findings of Fact in adopting M-2 that indicate the proposal was reviewed and that attention  
6 was given to ensuring consistency with Comp Plan policies:<sup>60</sup>

- 7 • The Amendment redesignates an area that was inappropriately designated  
8 as EC and (1) is not large enough to accommodate rail spurs or heavy  
9 transportation infrastructure; (2) is not connected with the business pattern  
10 of EC along 112th St. E.; (3) is encumbered by critical areas, and (4) has  
11 surrounding incompatible uses and zoning which could limit EC use.
- 12 • While current policies do not allow for the reduction of EC without  
13 compensatory expansion (no-net-loss), this area does not meet the criteria  
14 for EC, thus it is appropriate to be evaluated for re-designation.
- 15 • The amendment adds a new allowed land use designation within the Mid-  
16 County Community Plan.
- 17 • Includes new policies in the Mid-County Community Plan that recognize the  
18 MHR zone classification.  
19

20 In sum, **the Board finds** that Petitioners have not shown that the County failed to  
21 evaluate the amendment as required by PCC 19C.10.065.A or that the adoption of M-2 was  
22 inconsistent with the Comp Plan in violation of RCW 36.70A.130(1)(d).

23 The Board believes Petitioners did not allege a violation of 36.70A.130(5)(a) in Issue  
24 Two. Regardless, the allegation is essentially a failure to act challenge and moot at this time  
25 as the County has completed its update.  
26

27 Petitioners allegation that M-2 violated RCW 36.70A.130(2) was not briefed and is  
28 deemed abandoned.  
29

30 <sup>59</sup> *Id.* at 1-2.

31 <sup>60</sup> *Id.*; Ex. PCC #216, Exhibit I to Ordinance No. 2015-40, Finding 165, at 25-26.

1 Issue Two and Issue Three are **dismissed**.

2 Issue Four: Did Pierce County's adoption of map amendment M-2 fail to comply with RCW  
3 36.70A.010, RCW 36.70A.130(1)(d) and the goals in RCW 35.70A.020(5) (Economic  
4 Development), by changing land designated as employment center to residential?<sup>61</sup>

5 Petitioners' Objection

6 Petitioners emphasize that GMA includes the encouragement of economic  
7 development as an important goal and assert, without authority, that Multi-Family  
8 Residential (HDR and MHR) was not allowed within the EC designation *because* such use  
9 is inconsistent with the economic development goals of Employment Center designated  
10 lands.<sup>62</sup> Petitioners also assert that the MCAC failed to "show its work" and acted in an  
11 arbitrary and capricious manner in concluding that the property should be redesignated from  
12 EC.<sup>63</sup>

13 Applicable Law

14 **RCW 36.70A.010 Legislative findings**, states that it is in the public interest that  
15 economic development programs be shared with communities experiencing insufficient  
16 economic growth.<sup>64</sup>

17 **RCW 36.70A.020(5) Planning goals**, provides that jurisdictions shall encourage  
18 economic development that is consistent with adopted comprehensive plans and promote  
19 the retention and expansion of existing businesses and recruitment of new businesses.<sup>65</sup>

20  
21  
22  
23  
24 <sup>61</sup> Issue 4 per Summit-Waller, et al. Second Amended Petition for Review (December 15, 2015).

25 <sup>62</sup> Summit-Waller Brief at 12.

26 <sup>63</sup> Summit-Waller Brief at 12-14.

27 <sup>64</sup> **RCW 36.70A.010 Legislative findings**, reads:

28 The legislature finds that uncoordinated and unplanned growth, together with a lack of common  
29 goals expressing the public's interest in the conservation and the wise use of our lands, pose a  
30 threat to the environment, sustainable economic development, and the health, safety, and high  
31 quality of life enjoyed by residents of this state. It is in the public interest that citizens,  
communities, local governments, and the private sector cooperate and coordinate with one  
another in comprehensive land use planning. Further, the legislature finds that it is in the public  
interest that economic development programs be shared with communities experiencing  
insufficient economic growth.

1       **RCW 36.70A.3201** directs that:

2       [T]he legislature intends for the board to grant deference to counties and cities  
3       in how they plan for growth, consistent with the requirements and goals of this  
4       chapter. *Local comprehensive plans and development regulations require*  
5       *counties and cities to balance priorities and options for action* in full  
6       consideration of local circumstances.

7       Board Discussion

8       First, Petitioners may be correct that MHR is inconsistent with EC, but the point is  
9       irrelevant where the land in question has been redesignated to MHR *instead* of EC.

10       Petitioners next seem to construe the findings in RCW 36.70A.010 and GMA Goal (5)  
11       as prohibiting the redesignation of EC land but, as the Respondents argue, "no net loss of  
12       EC land" is a County policy that can, and was modified by County action.<sup>66</sup> Petitioners have  
13       not shown how the redesignation violates GMA.

14       Although Petitioners allege that the MCAC failed to "show its work" and acted in an  
15       arbitrary and capricious manner, they have done no more than imply that the redesignation  
16       from EC to MHR was done for reasons other than to remediate an area-wide designation  
17       that the Council decided was inappropriate because it was "(1) is not large enough to  
18       accommodate rail spurs or heavy transportation infrastructure; (2) is not connected with the  
19       business pattern of EC along 112th St. E.; (3) is encumbered by critical areas, and (4) has  
20       surrounding incompatible uses and zoning which could limit EC use."<sup>67</sup> Importantly, the  
21  
22

23  
24       <sup>65</sup> RCW 36.70A.020(5) Planning goals, reads:

25       The following goals are adopted to guide the development and adoption of comprehensive plans  
26       and development regulations ...

27       (5) Economic development. Encourage economic development throughout the state that is  
28       consistent with adopted comprehensive plans, promote economic opportunity for all citizens of  
29       this state, especially for unemployed and for disadvantaged persons, promote the retention and  
30       expansion of existing businesses and recruitment of new businesses, recognize regional  
31       differences impacting economic development opportunities, and encourage growth in areas  
32       experiencing insufficient economic growth, all within the capacities of the state's natural  
33       resources, public services, and public facilities.

34       <sup>66</sup> Respondents' Brief at 17.

35       <sup>67</sup> Ex. PCC #216, Exhibit I to Ordinance No. 2015-40, Finding 165, at 25-26.

1 MCAC made a recommendation, with which PALS staff and the Planning Commission  
2 concurred, but the redesignation was done by the County Council.

3 Respondents correctly point out that GMA goals are not listed in order of priority and,  
4 under RCW 36.70A.3201, the responsibility for balancing priorities and options in light of the  
5 goals rests with the legislative body.

6 **The Board finds and concludes** Petitioners have not shown that the Council's  
7 action in adopting M-2 violated GMA goals or requirements.

8 Issue Four is **dismissed**.

9  
10  
11 Issue Thirteen: Whether Pierce County's adoption of map amendment M-2 should be found  
12 invalid because it substantially interferes with the fulfillment of RCW 36.70A.020(5)?<sup>68</sup>

13 Issues One –Four having been dismissed, **the Board finds** that there is no basis for  
14 an order of invalidity.

15 **Issue 13 is dismissed.**

16  
17 **Community Planning**

18  
19 Issue Five: Did Pierce County's "reformatting" of Community Plans, which are to be  
20 amended in accordance with Title 19C Comprehensive Plan Procedures, violate the  
21 GMA, including RCW 36.70A.020(11), RCW 36.70A.070, RCW 36.70A.130 and or  
22 RCW 36.70A.140 by:

23 (A) Deleting and/or amending goals and policies in a manner which impeded full,  
24 continuous, and meaningful public participation by the citizens of the County?

25 (B) Failing to ensure internal consistency with Comprehensive Plan goals and  
26 policies, including LU-131, LU-132, and LU-133 (current policies 19A.110.010,  
27 19A.110.020, and 19A.110.040)?

28 (C) Failing to protect the community's rural character, rural lifestyle, and rural visual  
29 aesthetics?<sup>69</sup>

30 <sup>68</sup> Issue 5 per Summit-Waller, et al. Second Amended Petition for Review (December 15, 2015).

31 <sup>69</sup> Issue VI per Sanders, et al. Motion to Amend PFR (December 16, 2015).

1 **Invalidity**

2 **Issue Fourteen: Should the Hearings Board enter a finding of invalidity pursuant to the**  
3 **terms of RCW 36.70A.302 for substantial interference with the fulfillment of the goals of**  
4 **the Growth Management Act?**<sup>212</sup>

5 In light of the foregoing, the Board determines that an order of invalidity is not  
6 necessary to prevent substantial interference with the fulfillment of the goals of the Growth  
7 Management Act. Issue Fourteen is **dismissed**.

8  
9 **ORDER**

10 Based upon review of the Petition for Review, the briefs and exhibits submitted by the  
11 parties, the GMA, prior Board orders and case law, having considered the arguments of the  
12 parties, and having deliberated on the matter, the Board Orders that:

- 13  
14 1. Ordinance 2015-40 fails to comply with the GMA because it fails to minimize and  
15 contain more intensive development in the Graham LAMIRD by a logical outer  
16 Northeast boundary in violation of RCW 36.70A.070(5)(d)(v).  
17  
18 2. Ordinance 2015-40 does not comply with the GMA because elimination of the  
19 protections for the visual character of the rural area of the Graham Community  
20 Plan violates RCW 36.70A.070(5)(c) and the consistency requirements of GMA  
21 planning.  
22  
23 3. Ordinance 2015-40 does not comply with the GMA because it is inconsistent with  
24 the Countywide Planning Policies and the Multi-county Planning Policies guiding  
25 school siting outside the urban growth area in violation of RCW 36.70A.110 and  
26 RCW 36.70A.210 and was not guided by GMA Planning Goals 1 and 2, RCW  
27 36.70A.020.  
28  
29 4. The Board enters an Order of Continuing Non-Compliance in Case No. 12-3-  
30 0002c as to Amendment M-3 to Ordinance 2011-60s2.

31 <sup>212</sup> Issue X per Sanders, et al. Amended Petition for Review (Dec. 8, 2015) at 4.

- 1 5. The parties have stipulated to the County's withdrawal and redesignating the  
2 McKenna LAMIRD while petitioner retains the right to challenge the RAC  
3 designation when re-adopted. Ordinance 2015-40 is non-compliant with the GMA  
4 as regards the inclusion of vacant lands within the McKenna Rural Activity Center.  
5  
6 6. All other issues raised by Petitioners are **dismissed**.  
7  
8 7. The Board remands Ordinance 2015-40 to the County for action to achieve  
9 compliance as set forth above.  
10  
11 8. The Board sets the following schedule for the County's compliance:

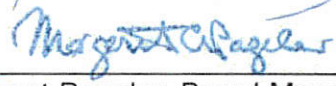
12

Item	Date Due
Compliance Due	September 12, 2016
Compliance Report/Statement of Actions Taken to Comply and Index to Compliance Record	September 26, 2016
Objections to a Finding of Compliance	October 10, 2016
Response to Objections	October 20, 2016
<b>Telephonic Compliance Hearing</b> 1 (800) 704-9804 and use pin code 4472777#	<b>November 1, 2016</b> <b>10:00 A.M.</b>

13  
14  
15  
16  
17  
18  
19

20 SO ORDERED this 9th day of May, 2016.

21  
22   
Cheryl Pflug, Board Member

23  
24   
Margaret Pageler, Board Member

25  
26  
27   
Raymond L. Paoella, Board Member

# **APPENDIX B**



2401 South 35th Street  
Tacoma, Washington 98409-7460

**M-2 AREA-WIDE MAP AMENDMENT: MID-COUNTY (Employment Center (EC) to  
Community Center (CC))**  
Applicant: Scott Edwards

**General Description**

The proposed amendment would change the land use designation from Employment Center (EC) to Community Center (CC). The zone classification would be Community Center (CC). The amendment area includes eight parcels totaling approximately 34 acres within the Mid-County Community Plan area.

**Preliminary Staff Recommendation**

The proposal is not consistent with Comprehensive Plan policies for expanding a Community Center designation. However, it appears that this property may have been inappropriately designated as EC, as it does not meet policies for locating Employment Center designations. Staff questions whether a higher density residential designation may be more appropriate as a transition into the surrounding neighborhood. Staff will further discuss with the Land Use Advisory Commission about addressing this area as part of the more extensive 2015 Comprehensive Plan update.

**Implementation Requirements**

N/A

**Impact Analysis**

*Procedures for Amendments to the Comprehensive Plan*, PCC 19C.10, requires all amendments to the Plan to be evaluated based on the following (PCC 19C.10.065 A.):

1. Is there a community or countywide need for the proposed amendment? If so what is that need?  
Undetermined
2. Is the infrastructure available to support the requested amendment, such as sewer, water, roads, schools, fire support?

Yes. Infrastructure availability at the site includes:

Sewer: Public sewer lines are located in the vicinity.

Water: Tacoma Water serves two parcels. Parkland Light and Water serves six parcels.

Roads: 121st Street East abuts the south side of four of the parcels. The remaining four parcels must be accessed through other parcels.

Schools: The site is in Franklin Pierce School District #402.

Fire: The site is in Central Pierce Fire District #6.

3. Would the requested amendment provide public benefits? If so, what sort of public benefits?  
Undetermined. A change to the CC designation and zone would allow for residential uses where they are currently not allowed.
4. Are there physical constraints on the property?  
Pierce County data identifies wetlands within the proposed area. Pierce County development regulations address development impacts related to these constraints.
5. Are there environmental constraints, such as noise, access, traffic, or hazard areas on or adjacent to the proposed amendment?  
Tacoma Rail tracks abut the eastern boundary of five of the eight parcels. Use of tracks could generate noise impacts to adjacent properties.
6. What types of land use or activities are located on the property?  
Vacant and single family residential
7. What types of land use or activities are located on neighboring properties?  
Developments and uses on properties abutting the site include:  
North: Portland Business Park  
East: Tacoma Rail tracks  
South: 121st Street East  
West: Single family residential
8. Is the proposed amendment consistent with all applicable state and local planning policies?  
The proposal is not consistent with the policies in the Comprehensive Plan for expanding an existing area designated as Community Center. Policies state that to expand a new area it needs to be demonstrated that there is a shortage of developable land.

This proposal is also inconsistent with a Comprehensive Plan policy that calls for a no net loss of EC designated lands. However, it appears that this property may have been inappropriately designated as EC as it does not meet policies for locating Employment Center designations.

#### *Applicable RCWs/Policies*

##### **Growth Management Act (GMA)**

RCW 36.70A.110 (2): Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve. As part of this planning process, each city within the county must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

**Comprehensive Plan Policies**

Applicable Comprehensive Plan policies for the proposed CC designation are as follows:

**19A.30.020 Commercial Centers.**

**LU-CC Objective 8.** Encourage commercial, office, and multi-family development in centers.

- C. **Community Centers.** Community Centers should be located and designed to meet shopping, service, and multi-family housing needs of the surrounding community.
  - 1. Community Centers should be of a size to serve the needs of more than one neighborhood while remaining small enough to be compatible with surrounding residential areas.
  - 3. An existing Community Center may be extended only if:
    - a. There is a demonstrated need to provide for more land in the area based on shortages of developable land;
    - b. The expansion is compatible with a community plan prepared or updated after January 1, 1998, if applicable;
  - 4. The boundaries of new or existing Community Centers shall be designed to discourage the continuation of strip commercial development and be compatible with surrounding land uses.
  - 6. Areas designated as Community Centers shall conform with the Residential Location Criteria of PCC 19A.30.100 A. and 19A.30.100 C. and the Commercial Location Criteria of PCC 19A.30.140 A., B.1., B.2., and B.3.a.
  - 8. Discourage detached single-family residential, two-family residential and auto oriented commercial development.

**19A.30.030 Employment Centers.**

**LU-EC Objective 9.** Provide large planned Employment Center development sites, properly zoned and serviced with infrastructure.

- A. Provide for the development of Employment Centers, geographically dispersed throughout the County, to meet the industrial and manufacturing needs of a growing jobs-based economy.
  - 2. Uses such as light manufacturing, assembly and wholesale activities and corporate offices are encouraged to locate in the Employment Centers, especially where they would have less impact on surrounding residential areas in terms of nuisance factors or hazards than would heavy industrial and heavy trucking activities.
- H. Ensure no net loss of land designated as Employment Center. Reclassify parcels from the Employment Center designation to another designation only when an equivalent area of suitable land is added to the Employment Center designation in the same Comprehensive Plan Amendment cycle or through a community plan adopted within the prior two years.

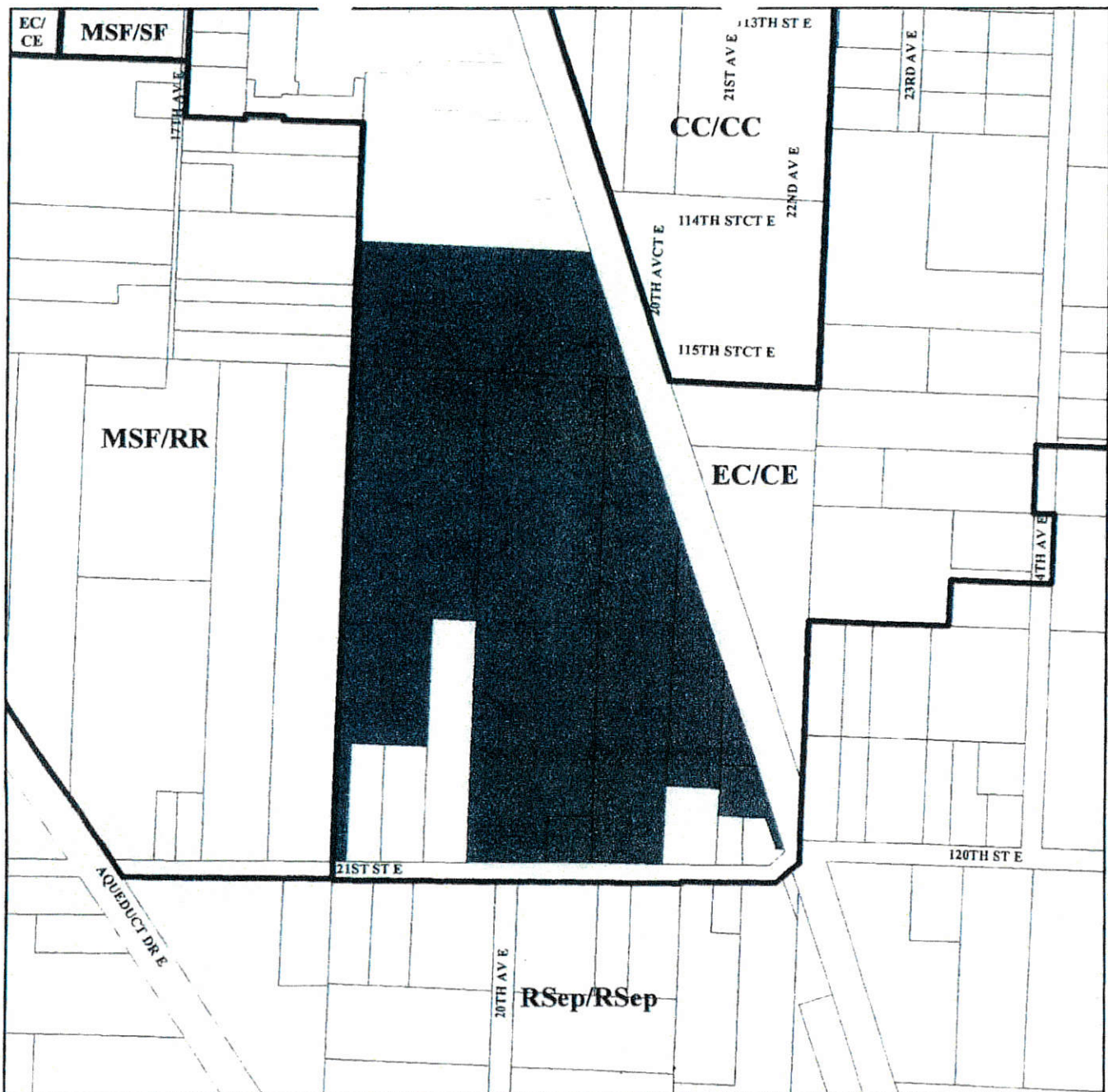
**Mid-County Community Plan Policies**

The following policy in the Mid-County Community Plan's Land Use Element addresses Community Centers:

**URBAN COMMERCIAL**

**Objective 9.** Encourage commercial centers, corridors, and districts to contain a diverse mix of uses. The mix of uses will be influenced by the intensity, character, and circulation established for each center and district through the policies of this plan.

**Principle 1.** Recognize and support the Community Centers near SR-512 and Portland Avenue and SR-512 and Canyon Road as regional commercial and limited mixed use residential areas, whose growth must be nurtured in a motor vehicle-oriented market environment with a balance of pedestrian and transit facilities.



## 2014 PROPOSED AREA-WIDE MAP AMENDMENT

### Amendment #M-2, Scott Edwards

Initiated by Pierce County Council

- Comprehensive Urban Growth Area Boundary
- Redesignate/Rezone from EC/CE to CC/CC

Department of Planning and Land Services

Plot Date: October 20, 2014 Scale = 1:5,000

Map Document: H:\nxd\prop\_area\_wide\_amend\2014\map\_amendment\amendment\_m\_2\_2014.mxd





## 2014 PROPOSED AREA-WIDE MAP AMENDMENT

### Amendment #M-2, Scott Edwards

Initiated by Pierce County Council

 Comprehensive Urban Growth Area Boundary

 Redesignate/Rezone from EC/CE to CC/CC

Department of Planning and Land Services

Plot Date: October 29, 2014 Scale = 1:5,000

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# **APPENDIX C**



001672

# **APPENDIX D**

**MID-COUNTY LAND USE ADVISORY COMMISSION  
MEETING MINUTES  
NOVEMBER 4, 2014**

Minutes of the Mid-County Land Use Advisory Commission (MCAC) are not verbatim; however, recorded tapes are available upon request.

**MEMBERS PRESENT:** David Artz  
Robert Henkel  
David Barber  
Terry Wise, Chair

**MEMBERS ABSENT:** Eric Herde, excused

Meeting called to order at 6:30 pm.

**PUBLIC HEARINGS**

Conditional Use Permit / Administrative Design Review: CP16-14 / ADR26-14

Applicant: New Cingular Wireless PCS, LLC

Planner: Donna Rhea, [drhea@co.pierce.wa.us](mailto:drhea@co.pierce.wa.us)

Request: Construct an unmanned 4 provider, 150-foot tall wireless facility with associated equipment within a 2,500 sq. ft. lease area. The project site is located within a Community Employment zone classification and the Mid-County Community Plan area, in Council District #5.

Case review began at 6:32.

Staff presentation: Donna Rhea presented the staff report. Proper notice was provided. DNS was issued 9/5/14, no comments or appeals filed. No public comments received. ADR requirements met, tree conservation met, L-3 required adjacent to single family. Staff report will be revised to require L-3 to north, west, and east. No buffer required to the south. Staff can justify that buildings provide buffer. Staff will recommend that the intent is met for screening because of buildings; no berm required except for north and east. Applicant is providing larger setbacks than required.

**PUBLIC TESTIMONY**

Jim Barta spoke representing AT&T. More and more network coverage is required due to increased demand. This is a good location with lots of trees and the facility meets noise requirements. Collocation will be allowed. He requests that the MCAC recommend approval to the Hearing Examiner.

**MOTION**

A motion was made (Artz/Henkel) to recommend approval as presented by staff, along with modifications as recommended by staff.

**VOTE**

Favorable votes: Artz, Barber, Henkel. Motion passed.

Case review ended at 6:48

## **2014 PIERCE COUNTY COMPREHENSIVE PLAN AMENDMENTS**

The Commissions was provided staff reports and presentations on the following amendments to the Pierce County Comprehensive Plan.

Jeff Mann, PALS, explained the procedures for amendments to the Comprehensive Plan. Council initiated a total of 27 amendments. He explained the different types of amendments and announced Planning Commission dates. Also explained were the differences between zoning classifications and designations.

### **COMPREHENSIVE PLAN TEXT AMENDMENTS**

**T-2, Chuck Sundsmo: Boundary Line Alterations.** The proposal amends the policies of the Comprehensive Plan to allow boundary line alterations between conforming and nonconforming lots to establish two buildable lots in the Rural area. Staff recommends that a policy is not necessary to achieve this specific issue and does not support this amendment.

When asked, staff noted that this proposal does not address pipestem lots.

### **PUBLIC TESTIMONY**

None

### **MOTION**

A motion was made (Henkel/Barber) to support staff recommendation.

**VOTE:** Favorable votes: Artz, Barber, Henkel. Motion passed.

**T-3, Chuck Sundsmo: Development of Rural Vacant Property.** The proposal amends the policies of the Comprehensive Plan to allow for vacant property within the Rural area to be developed similar to surrounding properties if it meets specific criteria.

Staff noted that this proposal is inconsistent with GMA and the County Comprehensive Plan, as it does not meet LAMIRD criteria. Staff does not support this amendment as it does not meet the criteria for rural commercial centers.

### **PUBLIC TESTIMONY**

John Merriman noted that a lot of decisions are being made based upon 1990 regulations. This was a long time ago, and newer regulations should be used.

Mr. Henkel asked if this is to enlarge commercial areas. Staff noted that GMA prefers limitation of commercial areas, but Mr. Henkel noted the logical place to locate them is adjacent to existing commercial. Staff reiterated that new growth should happen in urban areas, and be limited in rural areas per GMA.

Herb Bickle noted that some commercial areas currently on Canyon Road and 112<sup>th</sup> are not large enough to accommodate commercial growth. RNCs and other employment areas are not attracting the people that can afford them. Sewer connections would be required and this is too expensive. County needs to start attracting bigger and deeper pockets.

Mr. Wise noted that as haphazard as it seems, areas are drawn with the sense of protecting the look of commercial development. This can be problematic. Unless there is a huge endeavor to look deeper, when we start taking nonconforming uses and piggyback commercial development on nonconforming uses, it is contradictory and causes more problems than it solves.

Mr. Henkel asked that with the passage of GMA in 1990, and the County adoption in 1995, is it correct that the County requires infrastructure to be in place before issuance of permits? Staff noted that concurrency is required within 6 years. Mr. Henkel believes that the County has picked and chosen which GMA provisions they want to go with. How do you determine which provisions you follow or not? Staff noted that impact fees are assessed to subdivisions and every subdivision built has to improve frontage or signals or whatever and each home pays an impact fee.

John Merriman asked how the County decided to site commercial and industrial areas, commenting that it makes no sense. It's been 25 years since the adoption of GMA. In next 6 years we will bust as there may be a shortage of commercial land if land booms.

#### **MOTION**

A motion was made (Barber/Artz) to support staff recommendation.

**VOTE:** Favorable votes: Artz, Barber. Nay vote: Henkel. Motion passed.

**T-4, James Halmo: Rural Farm Land Designation.** The proposal amends the policies of the Comprehensive Plan to provide policies and procedures for the designation and redesignation of Rural Farm lands on a countywide basis.

Jessica Gwilt presented the staff report which proposes the addition of Rural Farm agriculture land by a method similar to ARL. Staff does not support the proposal. Staff noted that the applicant wants to add more farm land but the addition of criteria may not be the best way. Staff does not support additional criteria being added. Applicant is proposing to add language that is more restrictive than current.

#### **PUBLIC TESTIMONY**

None

#### **MOTION**

A motion was made (Artz/Barber) to support staff recommendation.

**VOTE:** Favorable votes: Artz, Barber, Henkel. Motion passed.

#### **Community Plan Amendments**

Chair Terry Wise noted that he has worked with the applicants of the two community plan amendments and will recuse himself from voting.

**C-1, Douglas M McLaren: Community Center (CC).** The proposal amends the policies and standards of the Mid-County Community Plan to authorize uses such as mini-storage or contractor's yards that are not dependent on sanitary sewer service in the Community Center designation in the Mid-County Community Plan area.

Jessica Gwilt presented the staff report. Staff does not support this amendment as the community plan policies are inconsistent with the proposal. The intent of the Community Center designation is not to encourage non-commercial intensive uses. Staff provided further information about the CC designation.

#### **PUBLIC TESTIMONY**

Terry Wise spoke as representative of the applicant. The property lies north of Hwy 512, with the only sewer available in the area on other side of freeway, a lift station would be required to bring sewer connections to this side of the freeway. When there are commercial nodes with no infrastructure, his client can do nothing with his property because currently mini storage is not allowed in the CC.

John Merriman spoke in support of proposal, noting the location is ideal for a storage facility. He is not a fan of GMA, believing it picks winners and losers.

Staff provided clarification that this is a community plan amendment and the policy undermines the land use designation itself. It would have been a better fit as an Area-wide map amendment if it was proposed to be site-specific.

Mr. Wise noted that there is a need to expand the commercial uses, taking into considering the best use of land. There are too many commercial zones, and the policy does not allow for common sense. He would request staff to make a statement noting an understanding that it does not fit current policy, but that they would advocate change.

Mr. Artz noted that he can envision a mini-storage in a location such as this that looks good, but it is not as easy to envision a contractor's yard.

Staff noted that the applicant did not apply for a rezone; but rather a policy change. If approved, it would allow uses throughout the community plan area, not just to one site.

Mr. Barber asked why there isn't a way to address this issue that would be beneficial to everyone. Staff responded that the applicant could have applied for change of uses in zone.

Mr. Wise stated that it is clear that what the applicant is looking for is uses that do not require sewer. He said that the request was meant to apply to a specific site. Staff responded that the application submitted would add policy applicable throughout the community plan area, not just to one site. Mr. Wise expressed disappointment that the submittal of community plan amendment instead of a different type of application was not the right choice. He noted that the applicant is deceased. Mr. Wise requested the commission to send the proposal back for a re-write so that it is site-specific allowing the McLarens to make could use of their property without making a global policy change in the community plan.

Motions were discussed with several ideas:

- Recommend that staff address issues for those unused properties caught in this.
- Modify to address specific property, not apply throughout the community plan area.
- Allow with a conditional use permit.
- Recommend change on a case by case basis, potentially with a conditional use permit.
- Allow for exceptions and additional uses on properties without sewer.

#### **MOTION**

A motion was made (Barber/Artz) to not support the community plan text change, but look for additional language to address individual land use circumstances. Motion passed with a 3-0 vote.

Mr. Wise was also recused for the next amendment.

**C-5, Herb Bickle: Employment Center (EC).** The proposal amends the policies and standards of the Mid-County Community Plan to authorize uses in the Employment Center designation within the Mid-County Community Plan area to include additional uses dependent on sanitary sewer facilities including multi-family residential.

Ms. Gwilt presented the staff report, noting that Staff does not support the application.

#### **PUBLIC TESTIMONY**

Herb Bickle, applicant, doesn't know where housing came into the picture. His objective is to have EC zoning allowances the same in Mid-County as in other community plan areas. Multi-family uses came up because if they are allowed in some EC designations, they should be allowed here too. Zoning needs to be consistent throughout the County.

Ms. Gwilt noted that if staff knows what he wants it may be able to be addressed in other ways. Mr. Bickle noted that some land in the EC is not big enough to use for the allowed uses. Commercial zoning needs to be more consistent. When the plan was written, attempts were made not to "postage stamp" so many places, but it still happened along 112<sup>th</sup> and Canyon.

Terry Wise noted that the applicant has tried to sell the property for a long time. Physical characteristics of the property are perfect. Current zoning encourages development where sewers are not, when it should be just the opposite. If we don't allow the market to dictate, we're in trouble.

Staff noted that the implementing zoning is the issue, not the designation. This is a policy level change going against the community plan. This is similar to the McLaren amendment as it is meant to be site specific change of use.

Mr. Wise noted again that the request is for a policy change; and doesn't care how the County gets there, just need to get there. Mr. Mann noted that the community plan was written by community members, and adopted by Council. Mr. Wise requests that staff consider uses that are authorized with the EC designation in other community plans.

### **MOTION**

A motion was made (Barber/Henkel) to not support proposal as written, but consider implementing a change to the EC to be consistent with other community plans. The motion passed with 3 votes in favor.

**M-2 Area-Wide Map Amendment, Scott Edwards: Employment Center (EC).** The proposal changes the land use designation on eight parcels totaling approximately 34 acres from Employment Center to Community Center within the Mid-County Community Plan area.

This is a site specific request. The property may have been inappropriately designated as EC, as it does not meet the standards for a concentration of commercial uses. It does not meet criteria for Employment Center either, so staff was open to consideration of an alternate designation on this property. Staff noted there was an error in the staff report citing 112<sup>th</sup> Street when it should have been 121<sup>st</sup> Street. This will be corrected.

### **PUBLIC TESTIMONY**

Brynn Brady spoke as representative of the applicant. They are satisfied with staff recommendation to find an appropriate designation to accommodate multi-family development. Applicant had vested applications that expired due to inactivity. If it requires participation throughout the 2015 update to find an appropriate solution for development as an industrial use, they will work with staff.

Staff noted that if moved forward, staff will work toward a designation that works for the applicant or allowance of multi-family development on the site.

### **MOTION**

A motion was made (Artz/Barber) to support staff recommendation based on the fact that it was probably designated incorrectly. The motion passed with 3 favorable votes.

**U-9, Urban Growth Area Amendment, John Merriman:** The proposal expands the Urban Growth Area by 2 parcels totaling 5.2 acres and changes the land use designation from Rural Separator to Moderate Density Single Family within the Mid-County Community Plan area. The Residential Resource zoning classification would implement the MSF land use designation. Staff does not support the application.

Similar proposals at this site have been applied for several times in the past to expand the UGA into a rural area. It was approved by the County Council a few years ago and overturned by the Growth Management Hearing Board. Staff does not support the amendment.

### **PUBLIC TESTIMONY**

John Merriman, applicant, previously found property to achieve the no net loss provisions. He defended himself at GMHB. He stated that the Board decision found it was not so much in violation of buildable lands, but denied because of no net loss. Since then the County got rid of the no net loss policy and began the transfer of development process. It bothers him that every time he does what is required the rules change. He noted there was no inclusion of TDR requirements in the staff report. He provided written statement.

Staff explained how no net loss works. Mr. Merriman insisted that the no net loss provision is gone, but staff stated that it is still in the Countywide Planning Policies. Mr. Merriman noted that the Rural Separator is too large; and also stated that he has Council support for the amendment and if necessary will defend it at the GMHB.

Mr. Wise noted that he is an individual property rights guy, but the complexities are annoying and in need of repair. His sense is that if Mr. Merriman is to be successful, he needs to find an 'edge' property owner.

Mr. Merriman noted that if the amendment is approved, it will not add capacity. Staff provided clarification on the TDR program, and stated that the process does not end here. The Planning Commission still needs to hear the proposal, and Council has final review.

#### **MOTION**

A motion was made (Artz/Henkel) to reject staff recommendation of denial based on the fact that if Mr. Merriman has the energy to pursue the amendment, he should be allowed to do so. Motion passed with a vote 3-0.

The Clerk reminded the Commissioners of the training the next night, November 5, 2014, at 6:30 p.m. at the Annex. A special meeting for the Chairs/Vice Chairs will precede the training beginning at 5:30 p.m.

The meeting adjourned at 9:15 pm.

# **APPENDIX E**

1 Sponsored by: Councilmembers Rick Talbert, Stan Flemming, and Joyce McDonald  
2 Requested by: Pierce County Council  
3  
4  
5

## 6 **RESOLUTION NO. R2014-94s**

7  
8

9 **A Resolution of the Pierce County Council Initiating Amendments to the**  
10 **Comprehensive Plan for Pierce County for the 2015 Plan**  
11 **Amendment Cycle; Confirming the Initiation of Amendments**  
12 **by Cities and Towns; and Requesting the Planning and Land**  
13 **Services Department to Conduct an Environmental Review**  
14 **and Evaluation of the Initiated Amendments and Forward the**  
15 **Associated Reports to the Planning Commission and**  
16 **Affected Land Use Advisory Commissions for Review and**  
17 **Recommendation Back to the County Council.**  
18

19 **Whereas, the Growth Management Act (GMA) requires Pierce County to**  
20 **develop, adopt, and implement a Comprehensive Plan, Revised Code of Washington**  
21 **(RCW) 36.70A.040; and**  
22

23 **Whereas, pursuant to Chapter 36.70A RCW, on November 24, 1994, the Pierce**  
24 **County Council adopted Ordinance No. 94-82S which enacted the Pierce County**  
25 **Comprehensive Plan; and**  
26

27 **Whereas, RCW 36.70A.130 requires the County's Comprehensive Plan to be**  
28 **subject to continuing review and evaluation, and that any amendment or revision to the**  
29 **Comprehensive Plan must conform to the requirements of the GMA; and**  
30

31 **Whereas, RCW 36.70A.130 states in part that "each County shall establish**  
32 **procedures whereby proposed amendments to the Comprehensive Plan are considered**  
33 **by the governing body of the County no more frequently than once every year"; and**  
34

35 **Whereas, on April 18, 1995, the Pierce County Council passed Ordinance No.**  
36 **95-27S, which adopted "Procedures for Amendments to the Comprehensive Plan"; and**  
37

38 **Whereas, the Pierce County Council has since amended the "Procedures for**  
39 **Amendments to the Comprehensive Plan" by Ordinance Nos. 96-123, 98-16S,**  
40 **2004-12s, 2005-70s, 2005-120s, 2005-121s4, 2007-91s, 2008-39, 2009-71s, 2009-80,**  
41 **and 2014-31s; and**  
42



1       Whereas, pursuant to RCW 36.70A.130 (5)(a), Pierce County is required to  
2 update its comprehensive plan and development regulations on or before June 30,  
3 2015; and

4  
5       Whereas, the modifications to the procedures for amendments to the  
6 comprehensive plan adopted through Ordinance No. 2014-31s address comprehensive  
7 plan amendments that will be considered as a component of the required GMA periodic  
8 update; and

9  
10       Whereas, during the required GMA periodic update, the Planning and Land  
11 Services Department shall evaluate Council initiated amendments pursuant to Section  
12 19C.10.065 of the Pierce County Code (PCC); and

13  
14       Whereas, the Planning and Land Services Department shall provide a  
15 recommendation and forward all Council initiated amendments, amendments initiated  
16 by Cities and Towns and amendments supported by the County Executive as part of the  
17 larger update proposal to the Planning Commission by February 15, 2015; and

18  
19       Whereas, all applications received for Council initiation by July 31, 2014, were  
20 reviewed against the acceptance criteria adopted in Section 19C.10.050 F. PCC.  
21 Those applications that did not meet the criteria were removed from consideration; and

22  
23       Whereas, according to the procedures to amend the Comprehensive Plan, the  
24 Council reviews and initiates applications for comprehensive plan amendments by  
25 September 31 of even numbered years; and

26  
27       Whereas, the Council screened the accepted Plan Amendment applications  
28 through the public hearing process before the Community Development Committee and  
29 full Council and decided which applications to initiate for the 2015 Plan amendment  
30 cycle; Now Therefore,

31  
32       BE IT RESOLVED by the Council of Pierce County:

33  
34       Section 1. The County Council hereby initiates proposed amendments to the  
35 Comprehensive Plan for the 2015 Plan amendment cycle as set forth in Exhibit A, which  
36 is attached hereto and incorporated herein by reference.

37  
38       Section 2. The County Council hereby confirms the initiation of proposed  
39 amendments to the Comprehensive Plan for the 2015 Plan Amendment cycle by the  
40 Cities and Towns as set forth in Exhibit B, which is attached hereto and incorporated  
41 herein by reference.



1  
2 Section 3. The County Council requests that the Planning and Land Services  
3 Department conduct an environmental review and evaluation of the initiated  
4 amendments, and forward the associated reports to the Planning Commission for  
5 review and recommendation. The County Council requests that the Planning  
6 Commission submit its recommendations back to the Council by February 15, 2015.  
7

8 Section 4. The County Council requests that the Planning and Land Services  
9 Department forward the relevant parts of the reports referenced in Section 3. to the  
10 affected Land Use Advisory Commissions for review and recommendation. The County  
11 Council requests that each Land Use Advisory Commission submit its  
12 recommendations to the Planning Commission for attachment to the Planning  
13 Commission's report being forwarded to the Council by February 15, 2015.  
14

15 ADOPTED this 30<sup>th</sup> day of September, 2014.  
16

17 ATTEST:

PIERCE COUNTY COUNCIL  
Pierce County, Washington

18  
19  
20  
21 Denise D. Johnson

22 Denise D. Johnson  
23 Clerk of the Council

Dan Roach

Dan Roach  
Council Chair



Proposed Comprehensive Plan Amendments Initiated by the County Council for 2015 Cycle		
TEXT AMENDMENTS		
Identifier	Applicant	Description of Amendment Application
PA-11	James Kitchen	Authorize motor vehicle sales (Level 5 – Motor vehicle and related equipment sales/rental/repair and services) in the Rural Activity Center designation.
PA-17	Chuck Sundsmo	Allow boundary line alterations between conforming and nonconforming lots to establish two buildable lots in the Rural Area.
PA-18	Chuck Sundsmo	A vacant parcel bordered by property improved with existing commercial use, industrial use types or multi-family, or mobile home park uses established on or before July 1, 1990, on 50 percent of the property's boundaries, including land uses across an abutting road, may be developed using use levels/types similar to those existing use levels/types on the surrounding properties.
PA-35	James Halmo	Provide policies and procedures for the designation and redesignation of Rural Farm lands on a Countywide basis.
COMMUNITY PLAN AMENDMENTS		
Identifier	Applicant	Description of Amendment Application
PA-8	Douglas M McLaren	Authorize uses such as ministorage or contractor's yards that are not dependant on sanitary sewer service in the Community Center designation in the Mid-County Community Plan.
PA-9	HMC Management	Authorize contractor's yards in the Rural Ten designation in the Key Peninsula Community Plan.
PA-20	Barbara Lake	Amend the Anderson Island Community Plan to allow additional uses in the Rural Neighborhood Center.
PA-27	American Concrete Inc.	Authorize implementation of the Employment Services zone classification within the Employment Center designation in the South Hill Community Plan area near Thun Field. Expand the list of permitted Uses in the Employment Services zone classification.
PA-28	Herb Bickle	Authorize uses in the Employment Center designation within the Mid-County Community Plan to include additional uses dependant on sanitary sewer facilities including multi-family residential.
MAP AMENDMENTS		
Identifier	Applicant	Description of Amendment Application
PA-1	Fred Wagner	Redesignate 1 parcel totaling 3.62 acres from High Density Single Family to either Moderate-High Density Residential or Mixed Use District within the South Hill Community Plan area.
PA-21	Scott Edwards	Redesignate 8 parcels totaling approximately 34 acres from Employment Center to Community Center within the Mid-County Community Plan area.
PA-34	Dave and Mary Schactler	Redesignate 6 parcels totaling approximately 154 acres from Rural Ten to Agricultural Resource Lands.
URBAN GROWTH AREA AMENDMENTS		
Identifier	Applicant	Description of Amendment Application
PA-30	John Merriman	Redesignate 2 parcels totaling approximately 5.2 acres from Rural Separator to Moderate Density Single Family with a Residential Resource zone classification in the Mid-County Community Plan area.



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COMBINED AMENDMENTS -		
Identifier	Applicant	Description of Amendment Application
PA-2 PA-3	FRETOC, LLC	MAP: Redesignate 5 parcels totaling 53.34 acres from Employment Center with a Community Employment Center zone classification to an Employment Services zone classification within the Frederickson Community Plan area.
		COMMUNITY PLAN: Authorize new uses in the Frederickson Employment Services zone classification including "Big Box" retail uses.
PA-25 PA-26	Purdy Interchange LLC	MAP: Redesignate 19 parcels totaling approximately 51 acres from Employment Center to Mixed Use District in the Gig Harbor Peninsula Community Plan area.
		COMMUNITY PLAN: Authorize a modified Mixed Use District designation within the Gig Harbor Peninsula Community Plan area in the Purdy neighborhood that would accommodate commercial and residential development at medium to high densities.

Copies of all initiated applications to be provided to the  
Planning and Land Services Department upon approval of this Resolution.



<b>Proposed Comprehensive Plan Amendments Initiated by the Cities and Towns for 2015 Cycle</b>	
<b>URBAN GROWTH AREA AMENDMENTS</b>	
<b>Applicant</b>	<b>Description of Amendment Application</b>
City of Bonney Lake	Establish an Urban Growth/Urban Service area for the City of Bonney Lake on approximately 81 acres adjacent the city limits. The amendment area is south of 96 <sup>th</sup> Avenue East. This is Bonney Lake amendment proposal number 1.
City of Bonney Lake	Establish an Urban Growth/Urban Service area for the City of Bonney Lake on approximately 29.75 acres adjacent to the city limits. The amendment area is north of 96 <sup>th</sup> Street E and west of 214 <sup>th</sup> Avenue. Bonney Lake amendment proposal number 2.
City of Bonney Lake	Establish an Urban Growth/Urban Service area for the City of Bonney Lake on approximately 98 acres near the southeast City limits. The amendment area is located north of Entwistle Road East. Bonney Lake amendment proposal number 3.
City of Bonney Lake	Establish an Urban Growth/Urban Service area for the City of Bonney Lake on approximately 840 acres in the Falling Waters/Creekside area. Bonney Lake amendment proposal number 4.
City of Bonney Lake	Establish an Urban Growth/Urban Service area for the City of Bonney Lake on approximately 349 acres in the Fennel Creek Corridor. Bonney Lake amendment proposal number 5.
City of Bonney Lake	Establish an Urban Growth/Urban Service area for the City of Bonney Lake on approximately 906 areas within an area known as Prairie Ridge. Bonney Lake amendment proposal number 7.
City of Bonney Lake	Establish an Urban Growth/Urban Service area for the City of Bonney Lake south of City on approximately 5,103 acres. The proposed amendment includes the Employment Based Planned Community known as Tehaleh. Bonney Lake amendment proposal number 8.
City of Bonney Lake	Establish an Urban Growth/Urban Service area for the City of Bonney Lake on the west side of Lake Tapps on approximately 2,929 acres. Bonney Lake amendment proposal number 9.
Town of Carbonado	Establish an Urban Growth/Urban Service area for the Town of Carbonado consisting of 22 parcels on approximately 692 acres.
City of Buckley	Establish an Urban Growth/Urban Service area for the City of Buckley consisting of 112 parcels on approximately 900 acres.

Copies of all initiated applications to be provided to the  
Planning and Land Services Department upon approval of this Resolution.



000006

# **APPENDIX F**

**APPLICATION  
FOR AREA-WIDE MAP AMENDMENT  
TO PIERCE COUNTY COMPREHENSIVE PLAN**

PC #6-1

& LAND SERVICES

JUL 30 2014

An Area-Wide Map Amendment is a proposed change or revision to the Land Use Designations Map that affects an area which is either comprehensive in nature, deals with homogeneous communities, is geographically distinctive, or has a unified interest within the County, such as community plan areas. An Area-Wide Map Amendment, unlike a parcel or site-specific land use reclassification, is of area-wide significance and includes many separate properties under various ownerships. Single-parcel or single-ownership map changes may be appropriate only for correcting technical errors or for applications involving one of four types of planned communities.

**NOTE:** An application must be completed for all proposed amendments, whether initiated by the County Council, County Executive, or a city or town with jurisdiction in Pierce County. No application is considered officially initiated until: 1) the Executive forwards the application to the County Council for inclusion in the Council resolution initiating amendments; 2) a city or town forwards the application to the County Council for inclusion in the Council resolution initiating amendments; or 3) the County Council includes the application in the resolution initiating amendments. It is the applicant's responsibility to provide the completed application and to check on the status of the request. If you want a city or town to initiate an amendment, you need to work directly with the city or town. See the handout Guidelines for Submitting Applications for Amendments to the Pierce County Comprehensive Plan for additional information.

The deadline to submit an application is 4:30 p.m., **July 31, 2014**. Complete all the blanks in this application form. A letter or report in lieu of this application will not be accepted. However, reports, photos or other materials may be submitted to support your application.

For additional information, contact Pierce County Planning and Land Services, Long Range Planning Division, by phone at (253) 798-2785 or by email at [dcardwe@co.pierce.wa.us](mailto:dcardwe@co.pierce.wa.us).

Applicant: Scott Edwards
Address: 1830 112 <sup>th</sup> St. E. STE F
City/State/Zip Code: Tacoma, WA 98455-3747
Phone: 253 576 8566
E-mail Address: <a href="mailto:sjed55@gmail.com">sjed55@gmail.com</a>

Agent: Shawn Bunney
Address: 5360 W. Tapps Dr. E.
City/State/Zip Code: Lake Tapps / WA / 98391
Phone: 253.208.0163
E-mail Address: <a href="mailto:shawnbunney@comcast.net">shawnbunney@comcast.net</a>

**REQUIREMENTS FOR TRANSFER OF DEVELOPMENT RIGHTS PROGRAM:** If your application results in a change from the current land use designation on a property to a designation that allows a higher residential density, you will be required to participate in the Pierce County Transfer of Development Rights Program (TDR). Pursuant to Pierce County Development Regulations-Title 18G Conservation Programs, when you receive an increase in density pursuant to a Comprehensive Plan Amendment, you are subject to the TDR

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program as a receiving site owner (18G.10.030). As a receiving site owner you are required to buy Development Right Certificates from a qualified sending site owner prior to applying for any development permits on the subject property/ies. Available Development Right Certificates can be purchased via the Pierce County website at [www.co.pierce.wa.us/tdr](http://www.co.pierce.wa.us/tdr). Market conditions will dictate the price of each development right. When you submit your development permit application to the Planning and Land Services (PALS) Department, you must also submit the Development Right Certificates or a purchase and sale agreement for the certificates. An estimate of the number of development rights you are required to purchase will be calculated by PALS staff once your Comprehensive Plan Amendment is approved. If you would like to know more about the TDR Program and process, please contact Planning and Land Services staff, Diane Marcus-Jones at (253) 798-2616 and/or visit our website at [www.co.pierce.wa.us/tdr](http://www.co.pierce.wa.us/tdr).

### DESCRIPTION OF AMENDMENT:

Total Number of Parcels: 8	<i>The total number of parcels and total acreage must be consistent with County Assessor data.</i>
Total Acreage: Approx. 34 Acres	
Desired Land Use Designation: Urban Center	
Desired Zone Classification to implement the Land Use Designation: Community Center	

- General Description of Proposal:  
Rezone to Community Center to better match neighboring zoning and current uses.
- Why is the land use re-designation needed and being proposed?  
Recover over \$2.5 Million in stranded costs on previously vested multi-family project.
- Describe the land uses surrounding the proposed amendment (*residential, commercial, agricultural, etc.*).

North: Commercial, Mini Storage
South: Residential, Rural Separator
East: Residential
West: Residential

### PARCEL INFORMATION – (1)

This page must be completed for each parcel proposed for the Area-Wide Map Amendment.

Taxpayer or Legal Owner: J. Scott Construction LLC:			
Address: 1830 112 <sup>th</sup> ST E STE. F			
City/State/Zip: Tacoma / WA/ 98445			
Tax Parcel Number: 0319101056			
Lot Size (Acreage/Sq. Ft.): 8.33 Acres / 362,855 SQ.FT. (From County Assessor Records or Tax Statement)			
Site Address: XXX 17 <sup>th</sup> AVE E			
Location:	Range: <u>03</u>	Township: <u>19</u>	Section: <u>10</u> Quarter: <u>11</u>

Desired Land Use Designation: Urban Center
Desired Zone Classification to implement the Land Use Designation: Community Center
Current Use of the Property (Describe what buildings/businesses are on the site):
VACANT

### SERVICES:

Please provide the following information regarding the availability of services.

The site is currently served by sewer X; septic \_\_\_\_ (check one)

The site is currently served by a public water system X; well \_\_\_\_ (check one)

Water Purveyor: TPU

The site is located on a public road \_\_\_\_; private road X (check one)

Name of road: 121<sup>st</sup> St. E.

Fire District #: 6 Name: Central Pierce

School District #: 402 Name: Franklin Pierce

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### PARCEL INFORMATION (2)

This page must be completed for each parcel proposed for the Area-Wide Map Amendment.

Taxpayer or Legal Owner: J. Scott Construction LLC.			
Address: 1830 112 <sup>th</sup> ST E STE. F			
City/State/Zip: Tacoma / WA/ 98445			
Tax Parcel Number: 0319101021			
Lot Size (Acreage/Sq. Ft.): 5.74 Acres / 250,034SQ.FT. (From County Assessor Records or Tax Statement)			
Site Address: XXX 20 <sup>th</sup> AVE CT E			
Location:	Range: <u>03</u>	Township: <u>19</u>	Section: <u>10</u> Quarter: <u>11</u>

Desired Land Use Designation: Urban Center
Desired Zone Classification to implement the Land Use Designation: Community Center
Current Use of the Property (Describe what buildings/businesses are on the site):
VACANT

### SERVICES:

Please provide the following information regarding the availability of services.

The site is currently served by sewer X; septic \_\_\_\_ (check one)

The site is currently served by a public water system X; well \_\_\_\_ (check one)

Water Purveyor: TPU

The site is located on a public road X; private road \_\_\_\_ (check one)

Name of road: 121 St. E.

Fire District #: 6 Name: Central Pierce

School District #: 402 Name: Franklin Pierce

### PARCEL INFORMATION (3)

This page must be completed for each parcel proposed for the Area-Wide Map Amendment.

Taxpayer or Legal Owner: High Valley Investment			
Address: 1830 112 <sup>th</sup> ST E STE. F			
City/State/Zip: Tacoma / WA/ 98445			
Tax Parcel Number: 0319101015			
Lot Size (Acreage/Sq. Ft.): 0.51 Acres / 22,400 SQ.FT. (From County Assessor Records or Tax Statement)			
Site Address: 2115 121 <sup>st</sup> ST E			
Location:	Range: <u>03</u>	Township: <u>19</u>	Section: <u>10</u> Quarter: <u>14</u>

Desired Land Use Designation: Urban Center
Desired Zone Classification to implement the Land Use Designation: Community Center
Current Use of the Property (Describe what buildings/businesses are on the site):
VACANT

### SERVICES:

Please provide the following information regarding the availability of services.

The site is currently served by sewer X; septic \_\_\_\_ (check one)

The site is currently served by a public water system X; well \_\_\_\_ (check one)

Water Purveyor: TPU

The site is located on a public road x; private road \_\_\_\_ (check one)

Name of road: 121<sup>st</sup> ST. E.

Fire District #: 6 Name: Central Pierce

School District #: 402 Name: Franklin Pierce

#### PARCEL INFORMATION (4)

This page must be completed for each parcel proposed for the Area-Wide Map Amendment.

Taxpayer or Legal Owner: High Valley Investment			
Address: 1830 112 <sup>th</sup> ST E STE. F			
City/State/Zip: Tacoma / WA/ 98445			
Tax Parcel Number: 0319101050			
Lot Size (Acreage/Sq. Ft.): 5.78 Acres / 251,777 SQ.FT. (From County Assessor Records or Tax Statement)			
Site Address: 2010 121 <sup>st</sup> ST E			
Location:	Range: <u>03</u>	Township: <u>19</u>	Section: <u>10</u> Quarter: <u>11</u>

Desired Land Use Designation: Urban Center
Desired Zone Classification to implement the Land Use Designation: Community Center
Current Use of the Property (Describe what buildings/businesses are on the site):
VACANT

#### SERVICES:

Please provide the following information regarding the availability of services.

The site is currently served by sewer X; septic \_\_\_\_ (check one)

The site is currently served by a public water system X; well \_\_\_\_ (check one)

Water Purveyor: TPU

The site is located on a public road \_\_\_\_; private road X (check one)

Name of road: 121<sup>st</sup> ST E

Fire District #: 6 Name: Central Pierce

School District #: 402 Name: Franklin Pierce

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### PARCEL INFORMATION (5)

This page must be completed for each parcel proposed for the Area-Wide Map Amendment.

Taxpayer or Legal Owner: High Valley Investments			
Address: 1830 112 <sup>th</sup> ST E STE. F			
City/State/Zip: Tacoma / WA/ 98445			
Tax Parcel Number: 0319101053			
Lot Size (Acreage/Sq. Ft.): 0.35 Acres / 5,462 SQ.FT.		(From County Assessor Records or Tax Statement)	
Site Address: 2115 121 <sup>ST</sup> ST E			
Location:	Range: <u>03</u>	Township: <u>19</u>	Section: <u>10</u> Quarter: <u>14</u>

Desired Land Use Designation: Urban Center
Desired Zone Classification to implement the Land Use Designation: Community Center
Current Use of the Property (Describe what buildings/businesses are on the site):
VACANT UNDEVELOPED

### SERVICES:

Please provide the following information regarding the availability of services.

The site is currently served by sewer X; septic \_\_\_\_ (check one)

The site is currently served by a public water system X; well \_\_\_\_ (check one)

Water Purveyor: TPU

The site is located on a public road X; private road \_\_\_\_ (check one)

Name of road: 121<sup>ST</sup> ST E

Fire District #: 6 Name: Central Pierce

School District #: 402 Name: Franklin Pierce

### PARCEL INFORMATION (6)

This page must be completed for each parcel proposed for the Area-Wide Map Amendment.

Taxpayer or Legal Owner: High Valley Investments			
Address: 1830 112 <sup>th</sup> ST E STE. F			
City/State/Zip: Tacoma / WA/ 98445			
Tax Parcel Number: 0319105002			
Lot Size (Acreage/Sq. Ft.): 2.0 Acres / 87,120 SQ.FT.		(From County Assessor Records or Tax Statement)	
Site Address: XXX 121 <sup>st</sup> ST E			
Location:	Range: <u>03</u>	Township: <u>19</u>	Section: <u>10</u> Quarter: <u>14</u>

Desired Land Use Designation: Urban Center
Desired Zone Classification to implement the Land Use Designation: Community Center
Current Use of the Property (Describe what buildings/businesses are on the site):
VACANT LAND

### SERVICES:

Please provide the following information regarding the availability of services.

The site is currently served by sewer X; septic   . (check one)

The site is currently served by a public water system X; well   . (check one)

Water Purveyor: TPU

The site is located on a public road X; private road   . (check one)

Name of road: 121<sup>st</sup> ST E.

Fire District #: 6 Name: Central Pierce

School District #: 402 Name: Franklin Pierce

### PARCEL INFORMATION (7)

This page must be completed for each parcel proposed for the Area-Wide Map Amendment.

Taxpayer or Legal Owner: Kenneth and Marilyn Moberg			
Address: 2015 121 <sup>st</sup> ST E			
City/State/Zip: Tacoma / WA/ 98445			
Tax Parcel Number: 0319101026			
Lot Size (Acreage/Sq. Ft.): .40 Acres / 17,424 SQ.FT.		(From County Assessor Records or Tax Statement)	
Site Address: 2015 121 <sup>st</sup> ST E			
Location:	Range: <u>03</u>	Township: <u>19</u>	Section: <u>10</u> Quarter: <u>14</u>

Desired Land Use Designation: Urban Center
Desired Zone Classification to implement the Land Use Designation: Community Center
Current Use of the Property (Describe what buildings/businesses are on the site):
SINGLE FAMILY DWELLING

### SERVICES:

Please provide the following information regarding the availability of services.

The site is currently served by sewer X; septic   . (check one)

The site is currently served by a public water system X; well   . (check one)

Water Purveyor: TPU

The site is located on a public road X; private road   . (check one)

Name of road: 121<sup>st</sup> ST E

Fire District #: 6 Name: Central Pierce

School District #: 402 Name: Franklin Pierce

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### PARCEL INFORMATION (8)

This page must be completed for each parcel proposed for the Area-Wide Map Amendment.

Taxpayer or Legal Owner: Kenneth and Marilyn Moberg			
Address: 2015 121 <sup>st</sup> ST E			
City/State/Zip: Tacoma / WA/ 98445			
Tax Parcel Number: 0319101052			
Lot Size (Acreage/Sq. Ft.): 10.52 Acres / 468,251 SQ.FT. (From County Assessor Records or Tax Statement)			
Site Address: 2015 121 <sup>st</sup> ST E			
Location:	Range: <u>03</u>	Township: <u>19</u>	Section: <u>10</u> Quarter: <u>11</u>

Desired Land Use Designation: Urban Center
Desired Zone Classification to implement the Land Use Designation: Community Center
Current Use of the Property (Describe what buildings/businesses are on the site):
SINGLE FAMILY DWELLING

### SERVICES:

Please provide the following information regarding the availability of services.

The site is currently served by sewer X; septic   . (check one)

The site is currently served by a public water system X; well   . (check one)

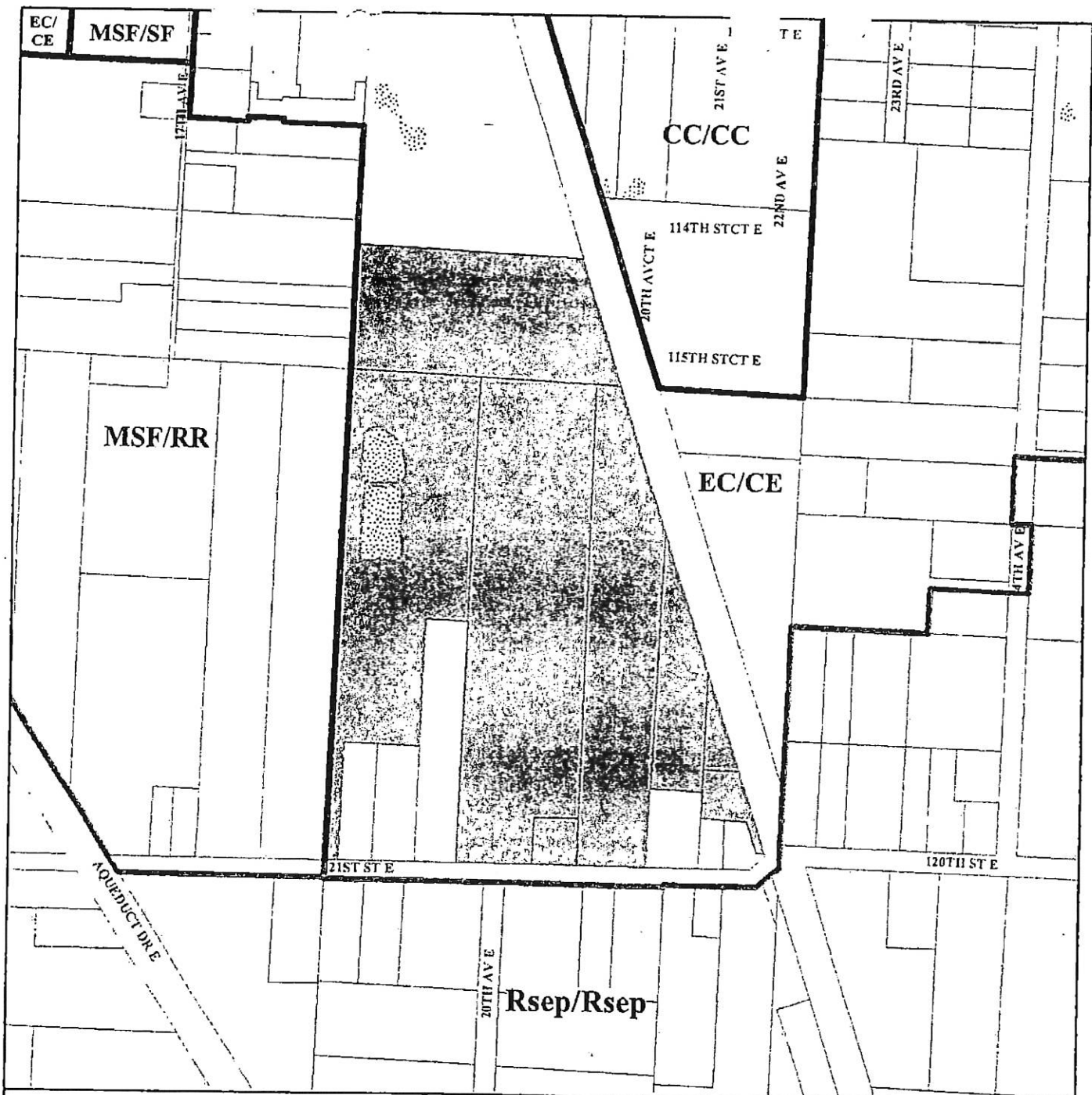
Water Purveyor: TPU

The site is located on a public road X; private road   . (check one)

Name of road: 121<sup>st</sup> ST E

Fire District #: 6 Name: Central Pierce



School District #: 402 Name: Franklin Pierce



## 2014 PROPOSED AREA-WIDE MAP AMENDMENT

Amendment; Scott Edwards

Not Yet Initiated

-  Comprehensive Urban Growth Area
-  Redesignate/Rezone from EC/CE to UC??/CC

Department of Planning and Land Services

Plot Date: August 12, 2014 Scale = 1:5,000

Map Document: H:\mxd\prop\_area\_wide\_amend\2014\Proposed\_Pre\_Initiation\amendment\_map\_edwards\_2014.mxd



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# **APPENDIX G**

**MINUTES OF SPECIAL MEETING  
PIERCE COUNTY PLANNING COMMISSION**

Thursday, December 4, 2014, 7:00 P.M.  
Public Meeting Room, 2401 So. 35th St., Tacoma

**MEMBERS PRESENT**

Andy Markos, Chair  
Jon Higley  
Dick Thurston  
Sharon Hanek

**MEMBERS ABSENT**

Sharon Benson, excused  
Julie Williams  
Jeff Brown

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m. A quorum was present. Mr. Markos announced procedures relating to testimony (3 minutes) and deadline for written comments, December 10, 4:30 pm to the Clerk.

**PUBLIC HEARING, Continuation of 2014 Comprehensive Plan Amendments**

Jeff Mann, Associate Planner, also addressed the procedures for review and recommendation. The 2014 plan amendments are part of the larger 2015 Update to the Comprehensive Plan.

**C-1, McLaren: Authorize mini-storage or contractor's yards not dependent on sanitary sewer service in Community Center designation, Mid-County Community Plan area.** Staff does not support the proposal as it is not consistent with the purpose of the Community Center land use designation and policies in the Mid-County Community Plan and Comprehensive Plan. The Mid-County Land Use Advisory Commission did not support the amendment. As noted by the agent on this amendment, this is more site specific and possibly should have been a map amendment. If the Commission wanted to see this as a map amendment, more review would be necessary.

**PUBLIC TESTIMONY**

Terry Wise, agent for the applicant, noted that the UGA is designed to help promote sensible development rather than make it impossible to develop at all. From a practical viewpoint, when sewers are not available, many uses are not feasible. He provided a handout showing current zoning and sections from the community plan/zoning code. There are no sewers north of Hwy 512, and there may never be since it would involve running pipes under the freeway from the south side, and the Summit Waller group is opposed to sewers. Looking at the 112<sup>th</sup> Street corridor, there is a 5-lane road improved with sewers, sidewalks, etc; all needed for high intensity development, but can't be used because it is zoned for low density. Whether a map or community plan amendment is proposed, the change makes good sense for the community. Client needs this in order to do anything with his property. Mr. Wise noted his chairmanship of the Mid-County Advisory Commission, also noting that the advisory commission, while not in support of the amendment as proposed, was clear that it would be appropriate to allow some expansion of uses.

Mr. Thurston noted that this is a site-specific problem, in an area of mixed uses and zones. He does not support general policy changes when it should be applicable on a site-specific basis. He would suggest going to a CE zone.

John Merriman noted his attendance at the community planning board meetings during the development of the community plan, and agreed that Mr. Wise made good points. Council should allow property rights and relies on the commission to filter the good ideas from the bad. He supports the proposal.

Jim Halmo, Graham, stated that the issue of contractor yards is a big deal. Additionally there is a safety issue with this type of use. Families and large vehicles coming from yard are potentially dangerous.

**C-2, HMC Management: Authorize contractor's yards in the Rural Ten designation, Key Peninsula Community Plan area.** Staff supports the concept of allowing contractor's yard in the Key Peninsula plan R10 area. Staff proposes the addition of a policy. Amendments to the Development Regulations would also be necessary if adopted, with allowance of contractor's yard in the Key Peninsula plan area with a conditional use permit.

#### **DISCUSSION**

Mr. Mann clarified the difference between the two amendment proposals (C-1 & C-2) and also noted that the Key Peninsula Advisory Commission (KPAC) was very supportive of the amendment. Questions from the Commission related to size/acreage and visual character. Staff also clarified the conditional use permit process which could mitigate many of the concerns.

#### **PUBLIC TESTIMONY**

Jim Halmo, Graham, noted contractor's yards are an inappropriate use without a conditional use permit. He also noted that the new text does not include a requirement for conditional use and would request that it be added.

Terry Wise noted that discussion of contractor's yards provides resistance because of large vehicles. Code allows for all different types of yards, and it is appropriate for some to be in the neighborhoods. He encouraged support of this amendment.

**C-3, Lake: Allow additional use in the Rural Neighborhood Center (RNC), Anderson Island/Ketron Island Community Plan area.** Staff noted that there are only two centers in the community plan area. The community plan has been reviewed and staff supports the amendment; however, a new policy is not necessary in the community plan.

#### **DISCUSSION**

None

#### **PUBLIC TESTIMONY**

Jim Halmo, Graham, was confused. He thought the commission should have a list of allowed uses.

**C-5, Bickle: Allow additional uses in the Employment Center (EC), Mid-County Community Plan area.** Staff does not support the proposal as allowing multifamily residential development and expanding the commercial uses is not consistent with the Employment Center designation.

#### **DISCUSSION**

The discussion centered on uses within an Employment Center designation and whether residential uses are appropriate for inclusion. It was noted that the Mid-County Advisory Commission did not want the change 'globally' but would be open to a possible map amendment.

#### **PUBLIC TESTIMONY**

None

**M-2, Edwards: Employment Center (EC) to Community Center (CC), Mid-County Community Plan area.** Staff does not support the proposal. A previous application for development on this site expired due to the recession and it does not meet criteria for Community Center. Staff reviewed the site and noted that it does not meet Employment Center designation and may have been inappropriately designated. Staff would work with the LUAC as part of the Comprehensive Plan update if they want to see it redesignated to a different designation more appropriate for the site, such as High Density Residential (HRD). Staff would support an alternative designation such as HRD and implemented with an Moderate High Density Residential (MHR) classification.

#### **DISCUSSION**

Mr. Markos asked about the six parcels left in Employment Center, and Mr. Mann noted that if the commission concurs with the change, staff would apply as HRD/MHR, and propose new policies to add HRD to the Mid-County Community Plan for review by the Commission on December 10. Mr. Gaffney noted that this was vetted with Economic Development Department which agreed that this site may not be appropriately designated.

#### **DISCUSSION**

None

#### **PUBLIC TESTIMONY**

Bud Rehberg commented that the site was probably zoned EC due to its adjacency to the railroad line. He also noted that there used to be a policy not to reduce EC without companion no net loss amendment.

Mr. Markos confirmed that Economic Development was good with it, even though on the rail line. Staff also confirmed that there is still a no net loss policy. It would be addressed as part of the larger update.

Brynn Brady spoke representing the applicant, and stated that they are supportive of staff alternative. Application was originally submitted by choosing zones that are close to the area, and they are not 'married' to the application request if staff wants to find more applicable designation. Site has some infrastructure in place. When asked if she had any idea about the other parcels and whether the owners would mind a change to the designation, she responded that she didn't think they would mind.

Ms. Benson asked if those additional property owners were notified of the public meeting, with staff responding yes, and those parcels could be included in the larger update. Mr. Gaffney added that the neighboring property owners were notified of this proposal but not that they may change also.

#### **MOTION**

A motion was made (Thurston/Higley) requesting that staff prepare an alternative recommendation to accommodate high density residential development. The motion passed unanimously. Clarification was provided that approval of the motion does not insure approval of the amendment.

**M-3, Schactler: Rural Ten (R10) to Agricultural Resource Lands (ARL).** Staff supports changing the designation on two of the parcels included. Other parcels are in joint ownership and those owners have requested that three parcels not be designated to ARL. Applicants are in the current use program. Applicant is working toward a segregation to change parcel lines.

#### **DISCUSSION**

Mr. Mann clarified the requirement to be in the current use program in order to request inclusion into ARL.

#### **PUBLIC TESTIMONY**

Mary Schactler, applicant, showed a picture of the property noting that the slopes are part of the high ground, but the majority of land is flat. She is hoping to have land division recorded very soon.

Jim Halmo, Graham, noted that these parcels are not within a plan area. It is definitely farmland and he supports the proposal as provided by staff.

Bud Rehberg supports the property owner's intent. He questioned whether the required soils are present and whether the landowner was advised of the Rural Farm designation. He noted the previous ARL mapping error.

Clarification was provided that there is a process for a property owner to "opt in" to the ARL designation.

**U-9, Merriman: UGA Expansion; Rural Separator (RSep) to Moderate Density Single Family (MSF), in Mid-County Community Plan area.** Staff does not support the proposal as it is inconsistent with provisions of GMA, CPPs, and the Comprehensive Plan. County has

enough urban growth area as determined by the recent Buildable Lands Report. This amendment was previously requested and approved in 2009 by the County Council with a finding that the 5.2 acres has an insignificant effect on urban residential capacity. However this was appealed and GMHB determined that the UGA is already substantially oversized, and even marginal expansions violate the GMA requirements.

#### **DISCUSSION**

None

#### **PUBLIC TESTIMONY**

John Merriman, applicant, noted that his neighbor, the County Council, and the LUAC supported the amendment in 2009. He defended it to the GMHB himself and believes it was reversed because of the no net loss policy. He provided the Commission a long history of his attempts to get his property out of Rural Separator (RSep). To say there is enough available land is not true; small builders do not have much chance since large developers have bought up all the land. Please support his proposal. He also stated that the LUAC supported his proposal this year as well. He is only asking for one house per 2 acres.

No further testimony.

Mr. Mann noted that the LUAC stated their support of the proposal in order to move the amendment forward to Planning Commission.

#### **MOTION**

A motion was made (Higley/Thurston) to continue the public meetings on the 2014 Amendments to the Comprehensive Plan to December 9, 2014. Motion passed unanimously.

#### **ADJOURN**

The meeting adjourned at 8:42 p.m.

# **APPENDIX H**



**ERRATA SHEET #1**

**DATE:** December 9, 2014

**TO:** Pierce County Planning Commission

**FROM:** Sean Gaffney, Manager, Long Range Planning

**BY:** Dan Cardwell, Senior Planner, Long Range Planning

**SUBJECT:** **2014 Comprehensive Plan Amendments  
Modified Staff Recommendations**

Pierce County Planning and Land Services issued staff reports for each of the initiated Comprehensive Plan amendments in mid to late November, 2014. The staff reports include an analysis of the proposals as well as a staff recommendation. After the reports were released, Staff has had an opportunity to present the proposals to the appropriate Land Use Advisory Commissions (LUACs). Through this process additional information has been provided. Staff has reviewed this information and modified its recommendation for two of the proposals (C-4 and M-2).

**M-2 AREA-WIDE MAP AMENDMENT: MID-COUNTY (Employment Center (EC) to  
Community Center (CC))**  
Applicant: Scott Edwards

**Staff Alternative Recommendation:** Staff supports the change in designation for the property as the area was inappropriately designated Employment Center. However, Staff does not support the change to Community Center (CC) as the area does not meet the criteria for that designation.

As an alternative, Staff recommends the application of a designation that would allow for multi-family uses consistent with the applicant's request. This may be achieved through the application of the High Density Residential District (HRD) land use designation and implemented by the Moderate High Density Residential (MHR) zoning classification. This requires the addition of the HRD land use designation and MHR implementing zone to the Mid-County Community Plan with associated policies.

The preliminary staff recommendation for M-2 is modified to read:

**Modified Preliminary Staff Recommendation**

The proposal is not consistent with Comprehensive Plan policies for expanding a Community Center designation. However, it appears that this property may have been inappropriately designated as EC, as it does not meet policies for locating Employment Center designations. Staff questions whether supports a higher density residential designation may as it would be more appropriate as a transition into the surrounding neighborhood. Staff will further discuss with the Land Use Advisory Commission about addressing this area as part of the more extensive 2015 Comprehensive Plan update.

To implement the modified preliminary staff recommendation the following additional change to the Mid-County Community Plan is recommended:

**Text amendments to Land Use Element Description of Desired Conditions:**

**Proposed Designations and Zoning Classifications**

The community plan retains a wide-range of land use designations that apply within the plan area. Two Three additional designations are proposed to be applied in the community: High Density Residential, Neighborhood Center and Employment Center. A total of seven eight land use designations are proposed. The urban designations are: Moderate Density Single Family (MSF), Community Center (CC), Neighborhood Center (NC), High Density Residential District (HRD), and Employment Center (EC). The rural designations are: Rural Separator (R Sep), Rural Neighborhood Center (RNC), and Agricultural Resource Lands (ARL).

The range of zoning classifications would be expanded from the current seven zones to ten eleven zones under the community plan. New zones that would be introduced to the area include Single Family (SF), Residential Resource (RR), Neighborhood Center (NC), Moderate High Density Residential (MHR), and Community Employment (CE). The new zones are proposed in order to more closely manage the location, type, and intensity of land uses that occur within certain areas of the community. The proposed modifications are discussed in detail below:

**Text amendments to Land Use Element after Employment Center & Proposed Zoning:**

High Density Residential District

The High Density Residential District (HRD) designation is intended to be composed of multi-family and high density single-family and two-family housing and limited neighborhood retail and service commercial uses.

Proposed Zoning

The High Density Residential District (HRD) plan designation will be implemented by the Moderate High Density Residential (MHR) zone. The MHR zone differs from Pierce County's current HRD zone in that it does not allow for commercial uses. The MHR zone permits high density single-, two-, and multi-family housing and compatible civic uses.

The residential density range for this zone is eight to twenty-five dwelling units per acre. Areas zoned MHR are located primarily to provide transitions between centers, districts, and residential neighborhoods.

**Text amendments to tables:**

<b>Table 3 PROPOSED LAND USE DESIGNATIONS</b>		
<b>Land Use Designation</b>	<b>Approximate Acreage</b>	<b>Percent of Plan Area</b>
Moderate Density Single Family (MSF)	1,743	12%
Community Center (CC)	373	2%
Neighborhood Center (NC)	236	2%
Employment Center (EC)	821	5%
High Density Residential (HRD)	34	<1%
Rural Separator (RSep)	10,696	73%
Rural Neighborhood Center (RNC)	48	<1%
Agricultural Resource Lands (ARL)	735	5%
<b>TOTAL</b>	<b>14,652</b>	<b>100.0%</b>

<b>Table 4 Proposed Land Use Designation and Zone Classifications</b>		
<b>Designation</b>	<b>Zone Classification</b>	<b>Approximate Acreage</b>
Moderate Single Family (MSF) Density	Single Family (SF)	1,196
	Residential Resource (RR)	546
Community Center (CC)	Community Center (CC)	373
Neighborhood Center (NC)	Neighborhood Center (NC)	236
Employment Center (EC)	Community Employment (CE)	787 821
Rural Separator (RSep)	Rural Separator (RSep)	10,696
Rural Neighborhood Center (RNC)	Rural Neighborhood Center (RNC)	48
Agricultural Resource Lands (ARL)	Agricultural Resource Lands (ARL)	735
High Density Residential	Moderate High Density Residential	34
<b>Total</b>		<b>TOTAL 14,652</b>

**Text amendments to Land Use Policies Urban Residential Objective 8:**

**Principle 8.1.5:** Establish the High Density Residential District (HRD) Designation.

**Principle 8.1.6:** The primary uses within the High Density Residential District (HRD) designation shall be moderate to high density single-family detached, two family, attached single-family, and multi-family uses development.

# **APPENDIX I**

**18A.27.005 Applicability.**

This Chapter provides the Use Tables and Density and Dimension Tables for the Mid-County Community Plan area. (See the Mid-County Community Plan Area Map.) (Ord. 2005-94s2 § 2 (part), 2005)



The Pierce County Code is current through 2016-85s, passed December 13, 2016.

Use Categories and Use Types	Urban Zone Classifications (Table 18A.27.010)							
	Urban Residential			Urban Centers			Employment Centers and Other Zones	
	RR: Residential Resource MHR: Moderate High Density Residential SF: Single Family			CC: Community Center NC: Neighborhood Center MUD: Mixed Use District			CE: Community Employment PR: Park and Recreation	
	RR	MHR	SF	CC	NC	MUD	CE	PR
<b>RESIDENTIAL USE CATEGORY: See PCC 18A.33.210 for Description of Residential Use Categories.</b>								
Group Home	C	C	C	C	C	C		
Mobile Home		C						
Mobile Home Park		C				P		
Multi-Family Housing		P		P	P1,3,5	P		
Nursing Homes		P		P	P			
Senior Housing		P		P	P			
Single-Family Detached Housing	P	P	P	P	P	P	(1)	
Two-Family Housing (Duplex)		P		P	P	P		
<b>CIVIC USE CATEGORY: See PCC 18A.33.220 for Description of Civic Use Categories.</b>								
Administrative Government Svcs.				P	P1,4	P	P	
Community and Cultural Svcs.		P2;C1,3		P1-4	P1,2	P1-4		
Day-Care Centers	P1	P	P1	P	P	P	P	
Education	A1	P1;A2	A1	P	P	P1,4,5;A2;C3	P4,5	
Health Services				P1;C2	P1	P1	P1;C2	
Postal Services				P1	P1	P1;C2	P2	
Public Park Facilities	P1,2,4;C3	P1,2,4	P1,2,4;C3	P1,2,4	P1,4	P	P	P1,2,4;C3
Public Safety Services	C1	C1	C1	P1	P1	P1;C2,3	C2	P1
Religious Assembly	P1;C2,3	P1;C2	P1;C2,3	P	P	P1,2		
Transportation				P1;C2,3	P1	P1;C2,3	P1;C2,3	
<b>UTILITIES USE CATEGORY: See PCC 18A.33.230 for Description of Utilities Use Categories.</b>								
Electrical Facilities	P	P	P	P	P	P	P	
Electrical								

<b>Generation Facilities</b>								
<b>Natural Gas Facilities</b>	P1;C3	P1;C3	P1;C3	P1,2;C3	P1,2;C3	P1,2;C3	P1-3;C4	
<b>Organic Waste Processing Facilities</b>								
<b>Pipelines</b>	P	P	P	P	P	P	P	
<b>Sewage Collection Facilities</b>	P	P	P	P	P	P	P	
<b>Sewage Treatment Facilities</b>		C		C	C	C		
<b>Stormwater Facilities</b>	P	P	P	P	P	P	P	
<b>Telecommunication Towers or Wireless Facilities</b>	P1	P1;C2	P1	P1;PL2;C3	P1;C2	P1;PL2;C3	P1;PL2,3;C4	P1;C2
<b>Utility or Public Maintenance Facilities</b>	P1	P1;C2	P1	P1;C2	P1;C2	P1;C2	P	
<b>Waste Disposal Facilities</b>		P1;C2						
<b>Waste Transfer Facilities</b>				P1;C2	P1;C2	P1;C2	P1	
<b>Water Supply Facilities</b>	P1;A2;C3	P1;A2;C3	P1;A2;C3	P1;A2;C3	P1;A2;C3	P1;A2;C3	P1;A2;C3	P1;A2;C3
<b>ESSENTIAL PUBLIC FACILITIES USE CATEGORY [Reserved]</b>								
<b>OFFICE/BUSINESS USE CATEGORY: See PCC 18A.33.250 for Description of Office/Business Use Categories.</b>								
<b>Administrative and Professional Offices</b>		P		P	P	P	P	
<b>RESOURCE USE CATEGORY: See PCC 18A.33.260 for Description of Resource Use Categories.</b>								
<b>Agritourism</b>	P	P	P	P	P	P	P	
<b>Agricultural Services</b>				P	P		P	
<b>Agricultural Supply Sales</b>				P1	P1	P	P1,C2	
<b>Animal Production, Boarding and Slaughtering</b>								

<b>Crop Production</b>	P1		P1	P1	P1		P2,3	
<b>Fish Processing, Hatcheries and Aquaculture</b>							C	
<b>Forestry</b>	P1	P1	P1				P1,3;C2	
<b>Surface Mines</b>								
<b>COMMERCIAL USE CATEGORY: See PCC 18A.33.270 for Description of Commercial Use Categories.</b>								
<b>Adult Business</b>								
<b>Amusement and Recreation</b>	C6		C6	P1-4;C5	P1;C2,3	P1-4;C5	P1,2,4	
<b>Billboards</b>						A		
<b>Building Materials and Garden Supplies</b>				P1-3;C4	P1,2;C3	P1-5;C6	P1,2;C5,6	
<b>Business Services</b>				P1;C2	P1	P	P	
<b>Commercial Centers</b>				C		P1;C2		
<b>Eating and Drinking Establishments</b>				P	P1,3;C2	P	P1,3	
<b>Lodging</b>				P2		P1,2		
<b>Mobile, Manufactured and Modular Home Sales</b>						P		
<b>Motor Vehicles and Related Equipment Sales, Rental, Repair and Service</b>				P1,2	P1,2	P	P1,2,5	
<b>Rental and Repair Services</b>				P	P1	P	P1;C2	
<b>Sales of Merchandise and Services</b>				P	P2;C3	P4	P1	
<b>Storage and Moving</b>						P	P	
<b>Wholesale Trade</b>							P	
<b>INDUSTRIAL USE CATEGORY: See PCC 18A.33.280 for Description of Industrial Use Categories.</b>								
<b>Basic</b>								

<b>Manufacturing</b>								
<b>Contractor Yards</b>						P1;C2	P	
<b>Food and Related Products</b>						C2	P2,3;C4	
<b>Industrial Services and Repair</b>						C	P	
<b>Intermediate Manufacturing and Intermediate/Final Assembly</b>				C3		C1,2	P3;C4	
<b>Off-Site Hazardous Waste Treatment and Storage Facilities</b>								
<b>Recycling Collection and Processing Facilities</b>				P1,2			P1,2	
<b>Salvage Yards/Vehicle Storage</b>							P1;C3,4	
<b>Warehousing, Distribution and Freight Movement</b>						C1,2	P1-3	

<b>OTHER URBAN ZONE CLASSIFICATIONS</b>	<b>NOTES</b>
MPC Master Planned Community, see PCC 18A.10.080 E. EBPC Employment Based Planned Community, see PCC 18A.10.080 E. MRO Mineral Resource Overlay, see PCC 18A.10.100 E.	P Permitted. C Requires Conditional Use Permit. A Requires Administrative Use Permit. Number Refers to level of Use Type allowed, see PCC 18A.33.200 to 18A.33.280. When no number is present, all levels of the Use Type are allowed. PL Priority Location Criteria, see PCC 18J.15.270. (1) Pursuant to PCC 18A.33.285.

(Ord. 2016-33 § 1 (part), 2016; Ord. 2016-24s2 § 1 (part), 2016; Ord. 2015-86 § 1 (part), 2015; Ord. 2015-40 § 4 (part), 2015; Ord. 2014-67 § 1 (part), 2014; Ord. 2013-85 § 1 (part), 2013; Ord. 2013-30s2 § 5 (part), 2013; Ord. 2012-2s § 5 (part), 2012; Ord. 2010-70s § 11 (part), 2010; Ord. 2010-13s § 2 (part), 2010; Ord. 2010-7 § 2 (part), 2010; Ord. 2009-18s3 § 2 (part), 2009; Ord. 2008-39 § 4 (part), 2008; Ord. 2007-6 § 2 (part), 2007; Ord. 2005-94s2 § 2 (part), 2005)

# **APPENDIX J**

Sponsored by: Councilmembers Rick Talbert, Derek Young, and Connie Ladenburg  
 Requested by: County Executive/Planning and Land Services Department

## ORDINANCE NO. 2015-40

**An Ordinance of the Pierce County Council Repealing Pierce County Code Title 19, "Comprehensive Plan – History and Background," Title 19A, "Comprehensive Plan," Title 19B, "Community Plans," and Adopting a New Title 19A, "Pierce County Comprehensive Plan"; Amending Title 18, "Development Regulations – General Provisions"; Title 18A, "Development Regulations – Zoning"; Title 18B, "Development Regulations – Signs;" Title 18F – "Development Regulations – Land Divisions and Boundary Changes"; Title 18G, "Development Regulations – Conservation Programs"; and Title 18J, "Development Regulations – Design Standards and Guidelines"; Incorporating Regulatory Periodic Updates as Required by Revised Code of Washington 36.70A.130; Adopting Findings of Fact; and Setting Forth an Effective Date.**

**Whereas**, the Growth Management Act (GMA) requires Pierce County to develop, adopt and implement a Comprehensive Plan pursuant to Revised Code of Washington (RCW) 36.70A.040; and

**Whereas**, pursuant to Chapter 36.70A RCW, the Pierce County Council adopted Ordinance No. 94-82S on November 29, 1994, which enacted the 1994 Pierce County Comprehensive Plan; and

**Whereas**, RCW 36.70A.130 requires that the County's Comprehensive Plan be subject to continuing review and evaluation and that any amendment or revision to the Comprehensive Plan must conform to requirements of the GMA; and

**Whereas**, RCW 36.70.130 requires the adoption of procedures for amending comprehensive plans and states in part, "Each county . . . shall establish and broadly disseminate to the public a public participation program identifying procedure whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county no more frequently than once every year ..." except in certain, limited circumstances. In addition, RCW 36.70A.130 states, "... all proposals shall be considered concurrently so the cumulative effect of the various proposals can be ascertained."; and

**Whereas**, in 1999, Pierce County adopted its first post GMA community plan and since that time a total of 11 sub-area plans have been adopted and are part of the Comprehensive Plan; and



1       **Whereas**, Pierce County completed its first GMA periodic update in 2004  
2 (Ordinance No. 2004-87s); and

3  
4       **Whereas**, the GMA and associated Washington Administrative Code (WACs)  
5 have been amended since 2004; and

6  
7       **Whereas**, the Growth Management Hearings Board has issued numerous  
8 decisions that may impact comprehensive planning in Pierce County; and

9  
10       **Whereas**, in May 2008, the Puget Sound Regional Council ratified Vision 2040  
11 as the Puget Sound region's counties' multi-county planning policies; and

12  
13       **Whereas**, an update to the Pierce County Countywide Planning Policies was  
14 ratified in July 2014; and

15  
16       **Whereas**, RCW 36.70A.130(5)(a) states that on or before June 30, 2015, and  
17 every eight years thereafter, the County take legislative action to review, and if  
18 necessary, revise its comprehensive plan and development regulations, including its  
19 policies and regulations designating and conserving natural resource lands and  
20 designating and protecting critical areas to comply with the requirements in Chapter  
21 36.70A RCW; and

22  
23       **Whereas**, on September 30, 2014, the Pierce County Council passed Resolution  
24 No. R2014-94s, which identified proposed amendments to the Pierce County  
25 Comprehensive Plan being initiated by the Council, and the Cities and Towns; and

26  
27       **Whereas**, Resolution No. R2014-94s requested that the Department of Planning  
28 and Land Services (PALS) and the Planning Commission evaluate and consider  
29 proposed Text amendments, Area-wide Map amendments, Urban Growth Area/Urban  
30 Service Area amendments, and Community Plan Amendments; and

31  
32       **Whereas**, Pierce County reviewed the Comprehensive Plan and implementing  
33 regulations and created a work program to identify necessary adjustments; and

34  
35       **Whereas**, Pierce County created draft documents for use during the public  
36 process; and

37  
38       **Whereas**, Pierce County posted the draft documents and work program on the  
39 County's webpage; and

40  
41       **Whereas**, Pierce County invested numerous hours preparing for and  
42 participating in outreach through social media, study sessions, stakeholder meetings,  
43 open houses/public meetings, and advisory commission study sessions; and

44  
45       **Whereas**, Pierce County held 51 meetings/open houses in which the public  
46 could actively participate in the update process; and

47



1       **Whereas**, the Land Use Advisory Committees (LUACs) reviewed the applicable  
2 Comprehensive Plan Amendments and proposed Comprehensive Plan update in public  
3 meetings starting in October 2014 and recommendations and comments were  
4 forwarded to the Pierce County Planning Commission; and  
5

6       **Whereas**, the Pierce County Planning Commission reviewed the Comprehensive  
7 Plan Update package in meetings and public hearings beginning in October 2014; and  
8

9       **Whereas**, the Pierce County Planning Commission made its recommendations  
10 on the 2015 Comprehensive Plan Update at a public hearing on April 30, 2015; and  
11

12       **Whereas**, on February 20, 2015, the Environmental Official for Pierce County  
13 issued a Determination of Nonsignificance after evaluating the Council initiated  
14 amendments to the Comprehensive Plan; and  
15

16       **Whereas**, on April 29, 2015, the Environmental Official for Pierce County issued  
17 a Determination of Nonsignificance after evaluating the remaining proposed  
18 amendments associated with the 2015 Comprehensive Plan Update; and  
19

20       **Whereas**, on June 1, June 4, June 8, June 15, and June 22, 2015, the  
21 Community Development Committee held public hearings on the Comprehensive Plan  
22 Update and the Planning Commission's final recommendations, and on June 22, 2015,  
23 passed the Committee's recommendations to the full Council for further consideration;  
24 and  
25

26       **Whereas**, on June 30, 2015, the Pierce County Council held public hearings on  
27 all the various proposed amendments to Pierce County's Comprehensive Plan and  
28 considered the various proposed amendments concurrently so their cumulative effect  
29 and consistency could be assessed; and  
30

31       **Whereas**, on June 30, 2015, the Pierce County Council adopted Ordinance No.  
32 2015-33s, the 2015 amendments to the Comprehensive Plan, and subsequently  
33 transmitted the Ordinance and all Exhibits to the Pierce County Executive on July 9,  
34 2015; and  
35

36       **Whereas**, on July 14, 2015, the County Executive vetoed the Ordinance citing  
37 concerns with two specific amendments: Urban Growth Area Amendment "U-9" John  
38 Merriman and combined Map and Community Plan Amendment "M-4" and "C-6"  
39 FRETOC; and  
40

41       **Whereas**, the Washington State Department of Commerce has indicated that  
42 several State funding programs are required by statute to not provide funding to  
43 counties that are out of compliance with the Growth Management Act: The Public  
44 Works Trust Fund and the Centennial Clean Water Fund; and  
45  
46



1       **Whereas**, the Washington State Department of Commerce competitive grants  
2 contain minimum eligibility requirements which mandate compliance with all GMA  
3 requirements at the time of grant award. GMA compliance means that the jurisdiction  
4 has completed the review and update required by RCW 36.70A.130 (1) and the Growth  
5 Management Hearings Board must not have found the jurisdiction out of compliance  
6 with any GMA-related issue; and  
7

8       **Whereas**, the Washington State Department of Commerce has indicated that  
9 other State funding programs are directed by statute to consider Growth Management  
10 Act compliance in their funding decisions; and  
11

12       **Whereas**, the Puget Sound Regional Council requires "certification" of GMA  
13 mandated Comprehensive Plans as a condition of eligibility for Federal funds; and  
14

15       **Whereas**, the Executive's veto has dire implications for the County with regard to  
16 potential loss of significant Federal and State grants and loans which are critical to the  
17 County's continued economic recovery; and  
18

19       **Whereas**, the Pierce County Council has determined that amending the Pierce  
20 County Comprehensive Plan is necessary to protect the public health, safety, and  
21 welfare, and protect the public interest; and  
22

23       **Whereas**, the Pierce County Council has determined that the amendments and  
24 revisions set forth herein conform to the requirements of the Growth Management Act  
25 and are consistent with Vision 2040 and Pierce County's Countywide Planning Policies;  
26 **Now Therefore**,

27  
28       **BE IT ORDAINED by the Council of Pierce County:**  
29

30       Section 1. Titles 19, 19A, and 19B of the Pierce County Code (PCC) are hereby  
31 repealed.  
32

33       Section 2. The Pierce County Comprehensive Plan is hereby adopted as shown  
34 in Exhibit A, which is attached hereto and incorporated herein by reference. Further,  
35 the Pierce County Comprehensive Plan is hereby incorporated into a new Title 19A of  
36 the Pierce County Code, "Pierce County Comprehensive Plan," which is hereby  
37 adopted as shown in Exhibit J, which is attached hereto and incorporated herein by  
38 reference.  
39

40       Section 3. Title 18 of the Pierce County Code, "Development Regulations –  
41 General Provisions," is hereby amended as shown in Exhibit B, which is attached hereto  
42 and incorporated herein by reference.  
43

44       Section 4. Title 18A of the Pierce County Code, "Development Regulations –  
45 Zoning," is hereby amended as shown in Exhibit C, which is attached hereto and  
46 incorporated herein by reference.  
47



1       Section 5. Title 18B of the Pierce County Code, "Development Regulations –  
2 Signs," is hereby amended as shown in Exhibit D, which is attached hereto and  
3 incorporated herein by reference.

4  
5       Section 6. Title 18F of the Pierce County Code, "Development Regulations –  
6 Land Divisions and Boundary Changes," is hereby amended as shown in Exhibit E,  
7 which is attached hereto and incorporated herein by reference.

8  
9       Section 7. Title 18G of the Pierce County Code, "Development Regulations –  
10 Conservation Programs," is hereby amended as shown in Exhibit F, which is attached  
11 hereto and incorporated herein by reference.

12  
13       Section 8. Title 18J of the Pierce County Code, "Development Regulations –  
14 Design Standards and Guidelines," is hereby amended as shown in Exhibit G, which is  
15 attached hereto and incorporated herein by reference.

16  
17       Section 9. Section 18A.10.030 of the Pierce County Code, "Zoning Atlas," is  
18 hereby amended as shown in Exhibit H, which is attached hereto and incorporated  
19 herein by reference.

20  
21       Section 10. Findings of Fact documenting the actions taken by the Planning  
22 Commission and Council are hereby adopted as shown in Exhibit I, which is attached  
23 hereto and incorporated herein by reference.

24  
25       Section 11. The Council hereby authorizes the Code Revisor to reformat Exhibit  
26 A in order to organize the 11 community plans sequentially so that each community plan  
27 Chapter will contain the appropriate community plan background information, text, maps  
28 and policies.

29  
30       Section 12. The Council recognizes that formatting, numbering, and citation  
31 modifications to Exhibit A may be necessary as a result of amendments made during  
32 the legislative process. To this extent, the Clerk of the Council is hereby authorized to  
33 modify Exhibit A prior to final printing so that the Council's amendments are accurately  
34 reflected throughout the document and formatting, numbering, and citations are  
35 correctly shown.

36  
37       Section 13. The Pierce County Council finds that considerable public support  
38 exists for completing a comprehensive review and update of community plans on an  
39 individual basis and that such review and update is necessary and appropriate to  
40 ensure that the individual community plans remain current and relevant. In support of  
41 this effort, the Council hereby directs the Planning and Land Services Department to  
42 develop a recommended schedule for the review and update of the community plans  
43 and to identify the funding requirements necessary to support the effort. At a minimum,  
44 this schedule should assume that a minimum of one community plan will be updated  
45 each year. The Planning and Land Services Department shall provide its  
46 recommended schedule and funding requirements to the Council no later than  
47 October 1, 2015.



Section 14. This Ordinance shall become effective on February 1, 2016.

Section 15. If any provisions of this Ordinance or the Comprehensive Plan are found to be illegal, invalid, or unenforceable, the remaining provisions of this Ordinance or the Comprehensive Plan shall remain in full force and effect.

PASSED this 11<sup>th</sup> day of August, 2015. (See below)

ATTEST:

PIERCE COUNTY COUNCIL

Pierce County, Washington

Denise D. Johnson  
Denise D. Johnson  
Clerk of the Council

Dan Roach  
Dan Roach  
Council Chair

Pat McCarthy  
Pat McCarthy  
Pierce County Executive  
Approved \_\_\_\_\_ Vetoed ✓, this  
28 day of August,  
2015.

Date of Publication of  
Notice of Public Hearing: July 29, 2015

Effective Date of Ordinance: February 1, 2016

CLERK'S NOTE: At the September 1, 2015, Pierce County Council meeting, the Council voted 5-2 to override the Executive's veto.



# Comprehensive Plan

Pierce County, Washington



## Honor the Past ► Look Ahead

Ordinance Number: 2015-40  
Effective Date: February 1, 2016

Exhibit A to Ordinance No. 2015-40

**001887**

- LU-50.7** Encourage mixing commercial activity and high density residential units through horizontal or vertical design.
  - LU-50.7.1** Strongly encourage a vertical mix of commercial businesses and residential units in specific circumstances.
- LU-50.8** Encourage higher density housing to support commercial activity.
  - LU-50.8.1** Require a residential housing component to contribute to the economic viability of businesses.
  - LU-50.8.2** Ensure higher residential densities are located around a node of commercial activity to implement a horizontal mix of uses.
  - LU-50.8.3** Encourage developments to integrate residential units within the same building(s) as commercial activity to implement a vertical mix of uses.
    - LU-50.8.3.1** The type of mixed use should be decided through the development of a community plan.

**GOAL LU-51** Project a consistent streetscape and site design to distinguish UVs from other areas within the community.

- LU-51.1** Encourage development to integrate amenities including courtyards, plazas, benches, artwork, and lighting into site design to create unique pedestrian experiences.
- LU-51.2** Encourage innovative pedestrian-oriented site design that creates a unique business character to attract potential customers.
- LU-51.3** Ensure commercial businesses are developed with pedestrian-oriented design.
  - LU-51.3.1** Auto-dependent design should be prohibited.

**GOAL LU-52** Implement the Urban Village land use designation through the following zone classification: Urban Village.

## URBAN INDUSTRIAL

### EMPLOYMENT CENTER

An Employment Center (EC) often contains office parks, manufacturing, other industrial development, or a combination of activities. It may also include commercial development as a part of the center, as long as the commercial development is incidental to the employment activities of the center. Designation of adequate areas for Employment Centers is one component of meeting the needs of a growing jobs-based economy. Master planning for Employment Centers is encouraged to ensure efficient access, facilitate timely provision of public services, and provide safety and design standards for location of uses.

- GOAL LU-53** Implement the Employment Center land use designation through the following zone classifications: Employment Center (EC), Community Employment (CE), Public Institution (PI), Employment Services (ES), and Research-Office (RO).
- GOAL LU-54** Designate industrial areas:
- LU-54.1** Where there is adequate land, public facilities and services, and street capacities available within the 20-year planning horizon;
  - LU-54.2** Adjacent to or in proximity to land designated EC;
  - LU-54.3** Within proximity to major transportation thoroughfares, including rail;
  - LU-54.4** Adjacent to or in proximity to adequate water, sanitary sewer, power and natural gas utilities capable of servicing commercial/industrial development;
  - LU-54.5** Near historical employment generating operations;
  - LU-54.6** On properties that are not constrained by significant critical areas such as wetlands, steep slopes or other environmental factors limiting development potential;
  - LU-54.7** Characterized by larger parcels, typically averaging more than five acres;
  - LU-54.8** Within Urban Growth Areas;
  - LU-54.9** In a manner which attracts and retains businesses;
  - LU-54.10** Geographically dispersed throughout the County to meet the industrial and manufacturing needs of a growing jobs-based economy; and
  - LU-54.11** Only if there is a demonstrated need to provide for more land in the area based on shortages of developable land, and when the expansion is compatible with any applicable community plan.
- GOAL LU-55** Promote the grouping of uses which will mutually benefit each other, or provide needed services.
- LU-55.1** Encourage planned developments of multiple buildings or uses which provide a mixture of low and moderate-intensity industrial, research, office, and supporting commercial uses.
  - LU-55.2** Encourage intensive manufacturing businesses to be clustered in industrial parks along major transportation links to minimize the impact on less intensive surrounding land uses.
- GOAL LU-56** Provide a diverse range of goods and services to ensure that as the economy changes, employment opportunities are balanced with a wide range of other land uses.
- LU-56.1** Ensure enough land is designated as industrial to meet employment targets.
  - LU-56.2** Establish distinct land use types and zoning classifications for industrial, research, and office development which accommodate a broad range of economic development activities in appropriate locations.

- LU-56.3** Ensure no net loss of land designated for industrial uses.
- LU-56.3.1** Redesignate parcels from the EC designation to another designation only when an equivalent area of suitable land is added to the EC designation in the same Comprehensive Plan amendment cycle, or through a community plan adopted within the prior two years. In the event a parcel is determined to be unlikely developable for industrial uses due to adjacent incompatible uses, the amount of critical areas on the parcel, or if the parcel is determined to be of insufficient size or proper location for industrial use, then the legislative body may consider redesignating the parcel.
- LU-56.3.2** Complete a comprehensive analysis of industrial lands needs and availability.
- LU-56.3.2.1** Identify criteria for siting
- LU-56.3.2.2** Review existing zoning classifications
- LU-56.3.2.3** Recommend properties that should have the zoning modified
- LU-56.4** Location and design should facilitate access and circulation by transit, car and van pools, pedestrians, bicyclists, and other alternative transportation modes.
- LU-56.5** Encourage developments to consider visibility and convenient access from major arterials and highways, proximity to environmentally sensitive lands, and the desired character of the industrial area.
- LU-56.6** Allow commercial and residential uses that support and serve the daily needs of the workforce when the neighboring zone classifications do not allow for such uses.
- LU-56.7** Prohibit new detached single-family residential with limited exceptions.
- LU-56.8** Development should be required to undergo a formal site plan review process to minimize impacts on neighboring properties.
- LU-56.9** Encourage master planning for industrial areas, including such features as open space, landscaping, integrated signage, traffic control, and overall management and maintenance through covenants or other property management techniques.
- LU-56.10** Encourage large, contiguously-owned properties to be developed as a unified whole.
- LU-56.11** Provide sites with a variety of parcel sizes to accommodate both large and small businesses, and particularly those of sufficient size to permit development of large industrial facilities.

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#### FREDERICKSON REGIONAL MANUFACTURING/INDUSTRIAL CENTER

The Frederickson Regional Manufacturing/Industrial Center is located within the urban unincorporated area, southeast of Tacoma and south of Puyallup. The center contains the intersection of 176<sup>th</sup> St. E. and Canyon Road E., and goes as far south as 208<sup>th</sup> Street. The boundaries are depicted in Map 2-3.

## CURRENT COMPREHENSIVE PLAN DESIGNATIONS AND ZONING CLASSIFICATIONS

The Pierce County Comprehensive Plan establishes seven different land use designations within Mid-County. These land use designations are Moderate Density Single Family (MSF), High Density Residential District (HRD), Mixed Use District (MUD), Community Center (CC), Rural Separator (RSep), Rural Neighborhood Center (RNC), and Agricultural Resource Lands (ARL). These land use designations indicate the type, intensity, and density of land uses authorized by the Comprehensive Plan. Refer to Map H-3: Historic Land Use Designations.



The MSF and HRD designations are residential in nature, while the MUD and CC designations are auto-oriented commercial that also allow residential uses. These land use designations are implemented on a parcel specific basis through zoning. The land use designations do not necessarily reflect the current use of land. For example, property used for heavy industrial purposes could be designated MSF, a residential land use designation.

The following table summarizes the land use designations in terms of acreage:

**Table H-2: Existing Land Use Designations and Acreage**

Land Use Designation	Acreage	Percent of Plan Area
Moderate Density Single-Family (MSF)	1,711	12%
Community Center (CC)	215	<2%
High Density Residential District (HRD)	104	<1%
Mixed Use District (MUD)	916	6%
Rural Separator (RSep)	10,896	75%
Rural Neighborhood Center (RNC)	49	<1%
Agricultural Resource Lands (ARL)	746	5%
Other	15	<1%
<b>Total</b>	<b>14,652</b>	<b>100%</b>

Land use designations are shown on Map H-3: Historic Land Use Designations and Map H-4: Historic Zoning.

### MODERATE DENSITY SINGLE-FAMILY

The Moderate Density Single-Family (MSF) land use designation/zone classification is intended to provide areas for urban single-family and two-family residential development at densities of 4-6 dwelling units per acre. The MSF designation is the predominant designation in Summit View. Approximately 12% of Mid-County (1,711 acres) is designated as MSF.

---

#### COMMUNITY CENTER

The Community Center (CC) designation has as its focus a significant traffic generator around which develops a concentration of other commercial office, services, and some high-density residential development. The commercial activity is drawn from a customer base of more than one neighborhood. The CC designation includes 215 of land located at the intersection of SR 512 and Canyon Road East. The CC designation accounts for <2% of the community.

---

#### HIGH DENSITY RESIDENTIAL DISTRICT

The High Density Residential District (HRD) designation is intended to provide areas of multifamily and high density single-family housing along with limited neighborhood commercial retail and service uses. Allowed residential densities in the HRD range from 6 to 25 dwelling units per acre. There is one area designated HRD located in the vicinity of 112th Street East between Golden Given and Vickery Avenue. This designation accounts for less than 1% of the community and contains approximately 104 acres.

---

#### MIXED USE DISTRICT

The Mixed Use District (MUD) designation provides for auto-oriented commercial and land-intensive commercial uses along major arterials, state highways, and major transit routes. Commercial activity in MUDs serves a customer base beyond the surrounding neighborhoods or community and is typically located along a roadway used by residents of more than one community. The MUD designation also allows for multifamily residential uses. The majority of Canyon Road East located south of 116th Street East and an area east of Canyon Road East along 112th Street East is designated as MUD. The MUD designation accounts for approximately 916 acres of land, totaling approximately 5% of the community.

---

#### RURAL SEPARATOR

The Rural Separator (RSep) designation allows a density of one dwelling unit per five acres. Density incentives are provided when 50 percent or more of the property is designated as open space. The Rural Separator (RSep) zone classification includes rural lands intended to provide a buffer or separation between urban zone classifications. The RSep designation accounts for approximately 10,896 acres of land, totaling approximately 75% of the community.



---

#### RURAL NEIGHBORHOOD CENTER

The Rural Neighborhood Center (RNC) designation serves the everyday needs of local rural residents. The RNC provides limited convenience shopping and services, is limited in size, and retains a scale and intensity that is appropriate for maintaining the rural character. The RNC designation accounts for approximately 49 acres of land, totaling less than 1% of the community.

## AGRICULTURAL RESOURCE LANDS

Agricultural Resource Lands (ARL) are distinct from rural lands and include agricultural lands that have been designated as having long-term commercial significance. The Comprehensive Plan identifies criteria and guidance for protection, management, and future development of lands designated Agricultural Resource Lands. The key criterion for defining Agricultural Resource Lands is the presence of the County's most productive agricultural soil types and their associated production yield. The ARL designation accounts for approximately 746 acres of land, totaling approximately 5% of the community.

## DESCRIPTION OF DESIRED CONDITIONS

One of the most significant issues addressed through the community planning process is land use. How land is utilized within a community directly affects the community's character and the quality of life perceived by its residents. The utilization of land also directly influences many other planning considerations, including but not limited to transportation system planning, provision of water and sewer infrastructure, and protection of the natural environment. In regard to land use, members of the Mid-County Community Planning Board have reviewed the Pierce County Comprehensive Plan in light of the existing conditions present in the plan area. This review has identified a series of modifications that should be made to the Pierce County Comprehensive Plan in order to assure that this plan accurately reflects the needs and desires of the community. These modifications include changes to the land use designations and zoning classifications within the plan area and the adoption of a series of new policies related to land use.

## PROPOSED DESIGNATIONS AND ZONING CLASSIFICATIONS

The community plan retains a wide-range of land use designations that apply within the plan area. Three additional designations are proposed to be applied in the community: High Density Residential, Neighborhood Center and Employment Center. A total of eight land use designations are proposed. The urban designations are: Moderate Density Single Family (MSF), Community Center (CC), Neighborhood Center (NC), High Density Residential District (HRD), and Employment Center (EC). The rural designations are: Rural Separator (RSep), Rural Neighborhood Center (RNC), and Agricultural Resource Lands (ARL).

The range of zoning classifications would be expanded from the current seven zones to eleven zones under the community plan. New zones that would be introduced to the area include Single Family (SF), Residential Resource (RR), Neighborhood Center (NC), Moderate High Density Residential (HRD), and Community Employment (CE). The new zones are proposed in order to more closely manage the location, type, and intensity of land uses that occur within certain areas of the community. The proposed modifications are discussed in detail below:

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#### HIGH DENSITY RESIDENTIAL DISTRICT

The High Density Residential District (HRD) designation is intended to be composed of multifamily and high density single-family and two-family housing and limited neighborhood retail and service commercial uses.

#### PROPOSED ZONING

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The High Density Residential District (HRD) plan designation will be implemented by the Moderate High Density Residential (MHR) zone. The MHR zone differs from Pierce County's current HRD zone in that it does not allow for commercial uses. The MHR zone permits high density single-, two-, and multifamily housing and compatible civic uses. The residential density range for this zone is eight to twenty-five dwelling units per acre. Areas zoned MHR are located primarily to provide transitions between centers, districts, and residential neighborhoods.

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#### MODERATE DENSITY SINGLE-FAMILY DESIGNATION

The community plan retains the Moderate Density Single-Family (MSF) designation as the dominant land use type for the Summit View area. This designation allows for single-family dwellings. Commercial and industrial uses are prohibited. Specific densities are based on physical constraints on the land and the availability of urban services such as sewers. The designation generally allows two to six dwelling units per acre. The land area to which this designation applies would slightly decrease from that what is designated under the Pierce County Comprehensive Plan. Under the Pierce County Comprehensive Plan, 1,711 acres are designated MSF. MSF acreage would slightly increase to 1,743 acres under the community plan.

#### PROPOSED ZONING

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The Moderate Density Single-Family plan designation will be implemented by two zoning classifications: Single Family (SF) and Residential Resource (RR). The Moderate Density Single-Family (MSF) zone is not applied in the Mid-County Plan area.

The first zone used to implement the MSF designation is the Single Family (SF) zone. The zone is intended to provide residential areas that are less dense and more homogenous than those developed under the MSF zone. The primary land use allowed within this classification is moderate density single family and compatible civic uses. Single-family detached housing is the primary housing type that is permitted. Duplexes and other multiple family housing types are prohibited. The SF zone permits a density of four dwelling units per acre. The zone is applied in the less environmentally constrained areas of the urban plan area as a means of reducing impacts to the current natural drainage systems while continuing to allow urban density residential development. Approximately 1,196 acres are proposed to be zoned SF.

The second zone used to implement the MSF designation is the Residential Resource (RR) zone. The zone is intended to provide for lower residential densities, increased open space, and reduced impervious surfaces in the environmentally constrained areas of the urban plan area in order to better protect the high priority resources and their significance for surface water management in the area. The zone classification is the least intensive of Pierce County's urban

**Findings of Fact**

**2015 GMA Periodic Review and Update**

**2015 GMA Periodic Review**

**Review for Compliance**

The Pierce County Council finds that:

1. The County is required to plan under Revised Code of Washington (RCW) 36.70A.040.
2. On or before June 30, 2015, and every eight years thereafter, the County is now required by RCW 36.70A.130(5)(a) to take legislative action to review, and if necessary, revise its comprehensive plan and development regulations, including its policies and regulations designating and conserving natural resource lands and designating and protecting critical areas to comply with the requirements in Chapter 36.70A RCW.
3. The County completed its first required Growth Management Act (GMA) periodic update in 2004.
4. The County adopted Ordinance No. 2004-87s that amended the Pierce County Comprehensive Plan and associated regulations with necessary policy modifications for consistency with GMA.
5. Pierce County's Comprehensive Plan policies and implementing regulations are valid and appropriate for the vision of the County.
6. Ordinance No. 2004-87s included exhibit "L" which contains Findings of Fact, Pierce County's Compliance with GMA.
7. The 2004 Comprehensive Plan, as adopted through Ordinance No. 2004-87s, was consistent with GMA, the Pierce County Countywide Planning Policies (CPPs), and decisions made through the Growth Management Hearings Boards (GMHB), and other legal decisions.
8. Since the 2004 required GMA Periodic Update, Pierce County has amended the Comprehensive Plan and associated regulations through the adoption of Community Plans and biannual amendment cycles.



- The MUD designation is consistent with Comprehensive Plan policies that call for MUD lands that provide for infill, compatibility, and concentration of commercial uses;
- The policies in the Parkland-Spanaway-Midland Communities Plan support re-designating the area as MUD;
- The amendment is located along the Mountain Highway corridor and would support future transit;
- The amendment provides for auto-oriented activities;
- The amendment provides compatibility with existing land use;
- Development of the site with residential land uses would not be compatible with the surrounding zoning nor with the existing commercial/contractor development.

105. The Sales Road and 96<sup>th</sup> Street South Land Use Designation Change:

- The amendment changes the land use designation from MSF and HRD to Employment Center (EC) implemented by the Community Employment (CE) zone;
- The proposal includes three parcels totaling approximately 4.74 acres;
- The site is surrounded by more intensive uses, CE zoning and light industrial uses and would be an island of residential in a higher intensity use area;
- Development of the site as residential is not compatible with surrounding land uses;
- The MUD designation is consistent with Comprehensive Plan policies that call for MUD lands that provide for infill, compatibility, and concentration of commercial uses;
- The policies in the Parkland-Spanaway-Midland Communities Plan support re-designating the area as EC;
- The amendment provides compatibility with existing land use;
- The amendment provides for uses where sufficient infrastructure and services exist or can be readily and economically provided;
- The amendment provides for higher intensity uses in areas where impacts upon adjacent lower intensity uses and natural systems would be minimal;
- The site is located across the street and to the east of industrial uses located in the City of Tacoma.
- Development of the site with residential land uses would not be compatible with the surrounding zoning nor with the existing commercial/contractor development;
- The amendment is located in an Accident Potential Zone of the Joint Base Lewis McChord. The uses allowed under the EC would be more consistent with the protection zone than residential uses.

106. The 121st Street East and 20th Avenue East Land Use Designation:

- The amendment changes the land use designation from EC to HRD and implemented by the MHR zone;
- The proposal includes six parcel totaling 5.75 acres;



- The six parcels will be surrounded by the HRD land use designation and the MHR zone as a result of Plan Amendment M-2 which re-designates the 34 acres surrounding these parcels;
- The MUD designation is consistent with Comprehensive Plan policies and the Parkland-Spanaway-Midland Communities Plan;
- These parcels do not meet policies for locating EC designations; the site is: (1) not large enough to accommodate rail spurs or heavy transportation infrastructure; (2) not connected with the business pattern of EC along 112th Street East; (3) encumbered by critical areas; and (4) surrounding incompatible uses and zoning which could limit EC use;
- If this area remains as EC, the small area would be undesirable for industrial use and would be incompatible with the higher density residential HRD designation.

107. The 104th Street East and Canyon Road East Land Use Designation:

- The amendment changes the land use designation from Community Center (CC) to MUD implemented by the MUD zone;
- The proposal includes nine parcels totaling approximately 14.47 acres;
- The Mixed Use District will create a transition between surrounding residential, civic, and commercial;
- The site is not served by sewer and the re-designation would allow for land uses that could be served by onsite systems;
- The Mixed Use District would allow for a mix of commercial, retail, service, and office, that are compatible with the surrounding commercial and residential uses;
- The MUD designation is consistent with Comprehensive Plan policies that call for MUD lands that provide for infill, compatibility, and concentration of commercial uses;
- The policies in the Mid-County Community Plan support re-designating the area as MUD;
- The amendment is located along the Canyon Road corridor;
- The amendment provides for auto-oriented activities;
- The amendment provides compatibility with existing land use;
- The amendment provides for transitional uses that are no longer viable as to scale or intensity or compatibility at that location.

108. The 121st Street East and SR 161 Land Use Designation:

- The amendment changes the land use designation from Major Urban Center (MUC) to CC implemented by the CC zoning classification;
- The proposal includes 34 parcel totaling 17.97 acres;
- The area is a remaining area of a larger MUC, the majority of which was annexed into the City of Puyallup.

109. The Canyon Road and 176th Street East Land Use Designation:

- The amendment removes the Mineral Resource Overlay (MRO) on 23 parcels totaling 56.79 acres;



(HMC Management), C-4 (American Concrete), M-1 (Fred Wagner), M-2 (Scott Edwards), M-3 (Dave and Mary Schactler), C-6/M-4 (FRETOC LLC), and C-7/M-5 (Purdy Interchange LLC).

160. An environmental determination on the proposed amendments as recommended for approval by the Planning Commission was issued on February 20, 2015.

161. The Planning Commission's recommendations for approval of amendments initiated through Resolution No. R2014-94s have been incorporated into the proposed 2015 Comprehensive Plan Update.

162. Amendment C-2 (HMC Management) amends the policies and standards of the Key Peninsula Community Plan to authorize contractor's yard in the Rural 10 land use designation. This amendment:

- Is consistent with allowed uses within the Rural 10 land use designation for other community plan areas;
- Allows for more direct and efficient delivery of necessary service in isolated areas;
- Is consistent with policies in both the Pierce County Comprehensive Plan and the Key Peninsula Community Plan that support allowing non-residential uses in the rural area that are needed by local residents and consistent with a rural lifestyle.

163. Amendment C-4 (American Concrete) amends the policies and standards of the South Hill Community Plan to allow for the Employment Services (ES) zone classification to implement the EC land use designation. This amendment:

- Includes policy language that addresses the location, size, and limitation of uses in the application of the ES zone classification;
- Is consistent with policies in the Pierce County Comprehensive Plan that allow for individual community plans to expand the type of uses within the EC land designation when such development can be made compatible with industrial uses;
- Allows for additional uses at a scale that are compatible with airport operations associated with Thun Field;
- Provides a range of retail and service uses that complement industrial activity and meet the daily needs of employees and local residents.

164. Amendment M-1 (Fred Wagner) re-designates 3.62 acres from High Density Single-Family (HSF) to HRD within the South Hill Community Plan area. This amendment:

- Is consistent with Comprehensive Plan policies that call for HRD designated lands to be connected to a designated "Center";
- Is located directly west of an area designated as EC and located roughly 500 feet south of an area designated as CC.

165. Amendment M-2 (Scott Edwards) re-designates approximately 34 acres from EC to HRD within the Mid-County Community Plan area. This amendment:



- 1 • Re-designates an area that was inappropriately designated as EC. This area  
2 does not meet policies for locating EC designations; the site is: (1) not large  
3 enough to accommodate rail spurs or heavy transportation infrastructure; (2)  
4 not connected with the business pattern of EC along 112th Street East; (3)  
5 encumbered by critical areas; and (4) surrounding incompatible uses and  
6 zoning which could limit EC use;
  - 7 • While current policies do not allow for the reduction of EC without  
8 compensatory expansion (no-net-loss), this area does not meet the criteria for  
9 EC, thus it is appropriate to be evaluated for re-designation;
  - 10 • Adds a new allowed land use designation within the Mid-County Community  
11 Plan;
  - 12 • Includes new policies in the Mid-County Community Plan that recognize the  
13 HRD land use designation and MHR zone classification.
- 14
- 15 166. Amendment M-3 (Dave and Mary Schactler) re-designates two parcels from  
16 Rural 10 (R10) to ARL. This amendment:
- 17 • Is consistent with existing Comprehensive Plan policies that allow for a  
18 property owner to request parcels in the rural area to be re-designated to ARL  
19 if the parcel is in the County's Current Use Assessment Program as  
20 agriculture;
  - 21 • Includes parcel numbers 0416103704 and 0416103703 that are currently  
22 included in the County's Current Use Assessment Program as agriculture;
  - 23 • Was requested by Dave and Mary Schactler, the sole owners of parcel  
24 numbers 0416103704 and 0416103703.
- 25
- 26 167. Amendments C-7/M-5 (Purdy Interchange LLC) amends the policies of the Gig  
27 Harbor Peninsula Community Plan to recognize the MUD land use designation  
28 and re-designate approximately 50 acres in the Purdy neighborhood from EC to  
29 MUD. This amendment:
- 30 • Is a combined Area-wide Map amendment and a Community Plan  
31 amendment;
  - 32 • Includes new policies that guide development within a MUD land use  
33 designation;
  - 34 • Allows for a better transition in the Purdy area between residential, civic, and  
35 commercial uses;
  - 36 • Is consistent with Comprehensive Plan policies that direct commercial growth  
37 into compatible districts of mixed uses and intensities;
  - 38 • Re-designates an area that was inappropriately designated as EC. This area  
39 does not meet policies for locating EC designations; the site is: (1)  
40 surrounded by school land use which is incompatible with the EC uses; (2)  
41 has considerable slope which would make it difficult to provide large industrial  
42 sites; (3) not accessible to heavy transportation facilities and large capacity  
43 utility lines; (4) in an area that is developing as commercial and civic uses;  
44 and (5) encumbered by sensitive areas that limit the usable industrial area;






# **APPENDIX K**



## 2015 COMPREHENSIVE PLAN UPDATE AMENDMENT

### Proposed Map Amendment; 121st St E and 20th Ave E

-  Existing Zoning
-  Redesignate/Rezone from EC/CE to HRD/MHR
-  Redesignate/Rezone from EC/CE to HRD/MHR (2014 Comp. Plan Amend.)

Department of Planning and Land Services

Plot Date: February 27, 2015 Scale = 1:3,000

Map Document: H:\mxd\comp\_plan\_update\junk\_drawer\_document\_size\121st\_20th\_8\_11.mxd

